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**HOUSE JOURNAL
FIRST LEGISLATIVE DAY**

Helena, Montana
January 6, 1997

House Chambers
State Capitol

Pursuant to the Constitution of the State of Montana, at the hour of 12:00 noon, the House of Representatives of the 55th Legislature of the State of Montana was called to order by the Honorable Mike Cooney, Secretary of the State of Montana.

Posting of the Colors by Major Kevin Collins and members of the Montana National Guard and Helena City Police Honor Guard and the Pledge of Allegiance to the Flag followed.

Invocation was given by Jim Rice:

LET'S PRAY!

Our God, we pause for a moment to say thank you for this great land -- this great state -- in which we are privileged to live.

We are thankful also for this state's leadership. The best of minds and abilities are represented here today, Montana is blessed, and we are grateful for their dedication. May these leaders remember Jesus' teaching about leadership - that whoever would lead should be the servant of all -- and may they remember the example of leadership He showed when He washed the feet of His followers.

We pray for our statewide elected officials in the executive and judicial branches of state government, for their staffs, and the state employees who make everything happen. We ask for your blessing upon them.

And on this opening day of the 55th Legislature, we pray for those serving in this great democratic institution that embodies the collective voices of all Montanans. We are mindful of their sacrifice today, the disruption in their lives caused by leaving homes, families, and jobs, the inconvenience of moving to Helena and the difficulty of making prudent decisions within a 90-day time frame. Grant wisdom and strength to them and to the employees in the legislative agencies who work tirelessly in their support. In their toughest days, may these elected representatives recall your promise, recorded by the Psalmist, to "Call upon Me in the day of trouble, and I will deliver thee."

For All here, Lord, who give of themselves to serve us, we give thanks. And I pray today, in the interest of a better Montana, for a legislative session that is productive and successful.

AND EVERYONE SAID. . . .AMEN!

Chief Clerk Marilyn Miller called the roll by districts as follows: District No. 1, Marian W. Hanson; District No. 2, John Johnson; District No. 3, Tom Zook; District No. 4, Ellen Bergman; District No. 5, Lila V. Taylor; District No. 6, Gerald Pease; District No. 7, Don Holland; District No. 8, Bob Clark; District No. 9, H.S. (Sonny) Hanson; District No. 10, Royal C. Johnson; District No. 11, Kim Gillan; District No. 12, Loren L. Soft; District No. 13, Joan Hurdle; District No. 14, John Bohlinger; District No. 15, Wes Prouse; District No. 16, Jay Stovall; District No. 17, Billie Krenzler; District No. 18, Bruce T. Simon; District No. 19, Norm Mills; District No. 20, Peggy Arnott; District No. 21, Daniel W. McGee; District No. 22, Brad Molnar; District No. 23, Alvin Ellis, Jr.; District No. 24, Robert R. Story, Jr.; District No. 25, Shiell W. Anderson; District No. 26, Bob Raney; District No. 27, Jack Wells; District No. 28, Rod Marshall; District No. 29, Beverly Barnhart; District No. 30, Emily Swanson;

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District No. 31, Steve Vick; District No. 32, Joe Barnett; District No. 33, Karl Ohs; District No. 34, Bill Tash; District No. 35, Haley Beaudry; District No. 36, Joe Quilici; District No. 37, Robert (Bob) Pavlovich; District No. 38, Dan W. Harrington; District No. 39, Duane Grimes; District No. 40, Gay Ann Masolo; District No. 41, William R. Wiseman; District No. 42, Trudi Schmidt; District No. 43, Diana Wyatt; District No. 44, Wm. (Bill) Ryan; District No. 45, Deb Kottel; District No. 46, Carley Tuss; District No. 47, Joe Tropila; District No. 48, Patrick G. (Pat) Galvin; District No. 49, Dick Simpkins; District No. 50, John Cobb; District No. 51, Chris Ahner; District No. 52, Hal Harper; District No. 53, David Ewer; District No. 54, Chase Hibbard; District No. 55, Edward (Ed) J. Grady; District No. 56, Liz Smith; District No. 57, Wm. (Red) Menahan; District No. 58, Doug Mood; District No. 59, Cliff Trexler; District No. 60, Allan Walters; District No. 61, Dorothy C. Simpson; District No. 62, Matt Brainard; District No. 63, Matt Denny; District No. 64, Vicki Cocchiarella; District No. 65, Jon Ellingson; District No. 66, Diane Sands; District No. 67, Bill Carey; District No. 68, Carolyn Squires; District No. 69, Bob Ream; District No. 70, Linda McCulloch; District No. 71, Sylvia Bookout; District No. 72, Paul Bankhead; District No. 73, Rick Jore; District No. 74, John A. Mercer; District No. 75, Bob Keenan; District No. 76, Paul Sliter; District No. 77, Rod Bitney; District No. 78, Tim Dowell; District No. 79, William E. Boharski; District No. 80, Bob Lawson; District No. 81, Aubyn A. Curtiss; District No. 82, Scott J. Orr; District No. 83, Douglas T. Wagner; District No. 84, Darrel Adams; District No. 85, George Heavy Runner; District No. 86, Harriet Hayne; District No. 87, John (Sam) Rose; District No. 88, Gary Feland; District No. 89, Roger DeBruycker; District No. 90, Toni Hagener; District No. 91, Ray Peck; District No. 92, Matt McCann; District No. 93, Dick Knox; District No. 94, Larry Hal Grinde; District No. 95, Ernest Bergsagel; District No. 96, Sam Kitzenberg; District No. 97, Charles R. Devaney; District No. 98, Bill Whitehead; District No. 99, Betty Lou Kasten; District No. 100, William Rehbein, Jr. All members present except Kottel, excused.

Mike Cooney, Secretary of the State of Montana extended greetings to the members on behalf of the State of Montana and delivered the following address:

It is a great privilege to once again stand before you today to call to order the meeting of the House of Representatives of the Fifty-Fifth Legislature. I congratulate all of you for the honor of being chosen by Montanans to represent them here in this most august body.

As always, there are many difficult problems that this Legislature will have to deal with. Being a state legislator is not an easy task and you will need to call upon all your skills, talents, and knowledge over the next ninety days to do your job as representatives effectively.

As you work on tough problems together, think not of yourselves as Republicans or Democrats, but as Montanans who have a common goal of making this state the best it possibly can be.

As a former state legislator, I know how stressful and straining an experience a legislative session can be. There are bills that you fervently want to see enacted into law and other bills that you equally want to make sure are not passed into law.

It is easy in the long days and nights of a legislative session to forget that what separates us is not the goal we seek, a better Montana, but only in how we try to go about reaching that goal.

What course we decide to take to reach that end is where the difficulties arise. For sometimes it seems each public official has his or her own idea about what path to take.

As secretary of state and as state legislators, we are elected officials. That means we are public servants and our job is to do what the people of Montana want.

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What Montanans want is a common sense approach to government where problems are solved by having everyone sit down together and working out a solution that gets the job done.

We should never forget that as elected officials, our bosses, the people of Montana, hired us to do a job and to do that job sometimes we must set aside our personal differences to serve the public interest. You have a right, even a responsibility, to fight for what you think is right and what will benefit your constituents. However, while it is all right to disagree, it is wrong to be disagreeable.

And just as we have bosses, as in the private sector, we also have customers whom we must serve as well. Customers who will decide not only if we have done our job, but if we have done our job well.

These customers are not just the Montanans who elected us, but also those Montanans of future generations who will reap the benefits of your actions. It is this group, our children and our grandchildren, who have the most to gain by what actions you take as you lead Montana toward the next millennium. And that is what we must remember.

For while a good public servant fixes the problems of the day, a great leader solves the challenges of tomorrow.

With the many demands upon your time over the next ninety days, it will be easy to settle for a "quick fix" and lose sight of our long-term goal. Do not fall into that trap; always keep in mind that it will be future generations who will inherit what we leave for them.

Our grandparents left us a great state. One built upon a robust economy, a rich and bountiful environment, a quality education system, and a strong sense of community. It should be not just your goal as legislators, but the goal of all Montanans, to leave those who will come after us an even greater state.

The only way to accomplish this, as all great leaders have known, is to have everyone work together, putting aside personal differences to help build a better tomorrow.

I congratulate you again on being elected to serve in the Fifty-Fifth Legislative Session. These are exciting times for Montana, for while our challenges are great, the prospects for the future have never been brighter. Thank you and good luck.

Secretary of State Cooney then introduced Supreme Court Justice Karla Gray who administered the following oath of office:

"I do solemnly swear that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana and that I will discharge the duties of my office as a member of the House of Representatives with fidelity, so help me God."

Secretary of State Cooney informed the members of the House of Representatives that he had been advised that all oaths of office had been signed and received. These were presented to Justice Gray for her acknowledgment and then filed in Secretary of State Cooney's office.

Secretary of State Cooney called for nominations for Speaker of the House of Representatives.

Representative Grinde nominated Representative John Mercer, District No. 74.

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Representative Cocchiarella moved Representative Mercer be elected Speaker of the House of Representatives by acclamation. Motion carried.

Secretary of State Cooney declared Representative John Mercer, District No. 74, duly elected as Speaker of the House of Representatives for the 55th Legislature.

Representatives Grinde and Cocchiarella escorted the newly elected Speaker to the rostrum where he was formally introduced by Secretary of State Cooney and presented with the Speaker's gavel.

The Sergeant-at-Arms escorted Secretary of State Cooney, Justice Gray and Jim Rice from the House Chamber.

The Speaker introduced his family, then delivered his acceptance remarks.

Representative Cocchiarella addressed the House members with the following:

Welcome and good afternoon. On behalf of the Minority Leadership, I congratulate the distinguished members before me and sincerely look forward to working with each one of you. Before I begin, please let me share a quick story. At a dinner that my daughter and I attended, the Master of Ceremonies eloquently spoke for a long while. My daughter leaned over to me; unaware that she would be heard by everyone at the dinner, she asked why the man was speaking so long when he had nothing to say. In tribute to my daughter, and my colleagues, I will keep my statements short and to the point.

Today we welcome the convening of the 55th Montana State Legislature. The fine people of Montana have sent us here to work to make their individual voices heard. We cannot forget that we were elected by the people of Montana to protect what we have, to solve the problems of our state, and to preserve that which we hold so dear for this and future generations.

As members of the legislative body, we bear the responsibility of solving the problems of our state. We owe it to ourselves, our constituents, our colleagues, and most of all, our children to make Montana a better place. We must cooperate to make hard, tough decisions. Always as we work we must remember that we are also the mouthpieces for those who cannot speak, those who need our help, those who cannot vote, our children. Montanans made their choice: they voted, and they sent us here, Democrats and Republicans alike. We are committed to doing their will.

Thanks to the thousands of hard working Montanans, our state is not in the financial crisis that it faced just a short decade ago. Increased economic activity has brought prosperity to many Montana families and businesses. As Henry David Thoreau once said, "Success is a journey, and not a destination." Our journey is sometimes rocky but Montanans never let a rocky road stop them. Now, we must work even harder to make sure that Montana's prosperity continues so that Thomas John Mercer, Katherine Ann Kitzenberg, Lindsay Daniels, Tracy and Jennifer McMickel, Cara and Mike Cocchiarella, all our children and theirs have the opportunity to live and raise their families here in our wonderful state.

Montana is truly the last best place to live. Our heritage, our environment, our dedication to hard, honest work make Montana what it is today. However, we cannot compromise these values for quick fixes that can put our state in jeopardy. We must make long term commitments and have future vision to make Montana the place we have come to expect. We owe it to ourselves and to our families.

Our children are being raised at a wonderful time. They are now speeding along on the information highway at incredible speeds. Things are moving quickly and we must move with them in order to give our children the

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education they deserve. We should remember that our children are our most precious resource and it is our responsibility to make sure they receive the best possible education. Education is the tourniquet to stop the massive bleeding in our corrections system. A productive citizen is educated. An educated society does not need more prisons.

However, we must also remember that quality education comes at a high price. We cannot compromise our children's future to save a buck. We should do everything we can to ensure that our teachers, administrators and local school officials can work with parents on a regular basis to prepare our children for the challenges of tomorrow. We must support that important process of learning.

Our citizens expect fairness and respect for their individual rights. And they expect us to do no less - we will do what we have to to defend them from the loss of their rights. Government should not be perceived as one of those rocks in the road but as pavement to make the journey easier.

The minority looks forward, with eager dedication, to working with the majority. I believe that all of us came here with good intentions. We just take different paths to get there. If we direct our energies and are always mindful of our children's future in Montana, we will have done the job we were sent to do. Let's join hands and get the job done.

Representative Ohs moved the following individuals be nominated as officers of the House of Representatives for the 55th Legislature.

Speaker Pro Tempore - Representative Marian Hanson
Chief Clerk - Marilyn Miller
Sergeant-at-Arms - Darolyn Skelton

Representative Cocchiarella moved a unanimous ballot be cast for the previously named nominees. Motion carried.

Chief Clerk Marilyn Miller announced that the caucuses have elected the following officials:

House Majority Leader - Representative Larry Grinde
House Minority Leader - Representative Vicki Cocchiarella
House Majority Whip - Representative Karl Ohs
House Minority Whip - Representative Tim Dowell

Representative Grinde moved that the joint rules of the House of Representatives and the Senate of the 54th Legislature be the temporary rules of the 55th Legislature.

Representative Grinde moved that the House rules of the 54th Legislature be the temporary rules of the 55th Legislature.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Governor that the House is now organized and ready to do business. Motion carried.

Mr. Speaker appointed Representatives Smith, Barnhart, Quilici, and Grady.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Senate that the House is now organized and ready to do business.

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Mr. Speaker appointed Representatives Hayne, Menahan, Hagener, and Simpkins.

Representative Grinde moved the Speaker appoint a committee of four members to notify the Supreme Court that the House is now organized and ready to do business.

Mr. Speaker appointed Representatives Barnett, Taylor, Ellingson, and Swanson.

The committees were discharged from the chamber.

Mr. Speaker directed the House to stand at ease to await the report of the Select Committee from the Senate and the three Select Committees of the House.

REPORTS OF SELECT COMMITTEES

A committee from the Senate composed of Senators Keating, Miller, and Nelson was admitted and reported to the House that the Senate was organized and ready for any legislation the House might care to send it.

The committee appointed to notify the Governor that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Supreme Court that the House is ready for business reported it had done so. The committee was thanked and discharged.

The committee appointed to notify the Senate that the House is ready for business reported it had done so. The committee was thanked and discharged.

The following employees were recommended to be hired by the 55th Legislature:

CHIEF CLERK'S OFFICE AND ROSTRUM STAFF

Chief Clerk - Marilyn Miller

Assistant Chief Clerks - Marilyn Petek, Louise Sullivan

Permanent Page to Chief Clerk - Nikki Hinebauch

Journal Clerk - Kirsten Cavanaugh

Assistant Journal Clerk - Benjamin Graham

Bills Clerk - Carolyn Renaud

Status Input Technician - Elaine Eck

Bills Coordinator - Sharon Westlake

Assistant Amendments Coordinator/Reading Clerk - David Halvorson

Amendments Coordinator - Gerry Dover

SERGEANT-AT-ARMS STAFF

Sergeant-at-Arms - Darolyn Skelton

Assistant Sergeant-at-Arms - Timothy Racicot

Assistant Sergeant-at-Arms - Dan Ritter

Bills Distribution Clerk - John Powers

Doormen - Ben Hainlin/Bob Griffith

Security Guards - Terry Janeway, Don Ramage, Mike Sass, Karl Kallin

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Permanent Page - Jennie Orr

COMMITTEE SECRETARIES

Mary Lou Schmitz - Agriculture

Margie Peterson - Appropriations

Connie Jacobs - Education

Elaine Benedict - General Government

Ellen Garrity - Human Services

Hope Spriggs - Institutions

Debbie Rostocki - Long-Range Building Program

Theda Rossberg - Natural Resources

Pati O'Reilly - Business & Labor

Alberta Strachan - Education

Alberta Strachan - Fish, Wildlife, Parks

Meg Angell - Select-Corrections

Mary Lou Schmitz - Transportation

Jaelene Racicot - Human Services

Joanne Gunderson - Judiciary

Debbie Thompson - Local Government

Stephanie Braun - Natural Resources

Keri Burkhardt - State Administration

Donna Grace - Taxation

WORD PROCESSORS

Betsy Hallowell

Mary Lou Bruno

Annabelle Glenn

Karen Cutler

COMMITTEE AIDES

Rita Orr

Bernie Lee

Donna Reed

Aide to Rep. Boharski - Harry Egolf/Margaret Boharski

LEADERSHIP STAFF

Secretary to Speaker - Keithi Worthington

Aide to Speaker - Steve Snezek

Secretary to Majority Leader - Travis Rothweiler

Aide to Majority Leader - Myrl DeBruycker

Permanent Page to Majority Offices - Katie Good

Secretary to Minority Leader - Peter Parisot

Aide to Minority Leader - Jay Driscoll

Permanent Page to Minority Offices - Bill Rigler

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**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

- HB 1**, introduced by Zook, referred to Committee on Appropriations.
- HB 2**, introduced by Zook, (by request of the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 3**, introduced by Zook, (by request of the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 4**, introduced by Grady, (by request of the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 5**, introduced by Bergsagel, (by request of the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 6**, introduced by Bergsagel, (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 7**, introduced by Bergsagel, (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 8**, introduced by Bergsagel, (by request of the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 9**, introduced by Bergsagel, (by request of the Montana Arts Council and the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 10**, introduced by Quilici, (by request of the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 11**, introduced by Zook, (by request of the Department of Commerce and the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 12**, introduced by Quilici, Bergsagel, (by request of the Department of Environmental Quality and the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 13**, introduced by Wiseman, (by request of the Governor) referred to Committee on Appropriations.
- HB 14**, introduced by R. Johnson, (by request of the Office of Budget and Program Planning) referred to Committee on Appropriations.
- HB 15**, introduced by Kitzenberg, referred to Committee on Judiciary.
- HB 16**, introduced by Pavlovich, referred to Committee on Business & Labor.
- HB 17**, introduced by Pavlovich, (by request of the Joint Interim Subcommittee on Veterans' Needs) referred to Committee on Appropriations.
- HB 18**, introduced by J. Johnson, (by request of the Joint Interim Subcommittee on Veterans' Needs) referred to Committee on Appropriations.
- HB 19**, introduced by Pavlovich, (by request of the Joint Interim Subcommittee on Veterans' Needs) referred to Committee on State Administration.
- HB 20**, introduced by Cobb, referred to Committee on Fish, Wildlife, & Parks.
- HB 21**, introduced by Cobb, referred to Committee on Appropriations.
- HB 22**, introduced by Kottel, (by request of the Joint Interim Subcommittee on State Management Systems) referred to Committee on Local Government.
- HB 23**, introduced by Ohs, (by request of the Joint Interim Subcommittee on State Management Systems) referred to Committee on Appropriations.
- HB 24**, introduced by Hagener, referred to Committee on Judiciary.
- HB 25**, introduced by Ewer, Peck, Hertel, Jergeson, Hibbard, referred to Committee on Education.
- HB 26**, introduced by Cobb, referred to Committee on State Administration.

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- HB 27**, introduced by Simon, referred to Committee on Human Services.
- HB 28**, introduced by Rose, referred to Committee on Education.
- HB 29**, introduced by Bohlinger, referred to Committee on Judiciary.
- HB 30**, introduced by Hayne, (by request of the Montana Historical Society) referred to Committee on State Administration.
- HB 31**, introduced by Heavy Runner, (by request of the Department of Natural Resources and Conservation) referred to Committee on Natural Resources.
- HB 32**, introduced by Peck, (by request of the Department of Administration) referred to Committee on Business & Labor.
- HB 33**, introduced by Kasten, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.
- HB 34**, introduced by Cobb, referred to Committee on State Administration.
- HB 35**, introduced by DeBruycker, (by request of the Department of Commerce) referred to Committee on Business & Labor.
- HB 36**, introduced by Ewer, (by request of the Department of Commerce) referred to Committee on State Administration.
- HB 37**, introduced by Cobb, referred to Committee on Fish, Wildlife, & Parks.
- HB 38**, introduced by Rose, referred to Committee on Judiciary.
- HB 39**, introduced by Grady, (by request of the Legislative Finance Committee) referred to Committee on Taxation.
- HB 40**, introduced by Cobb, (by request of the Department of Justice) referred to Committee on Judiciary.
- HB 41**, introduced by Cobb, referred to Committee on Judiciary.
- HB 42**, introduced by Cobb, referred to Committee on Judiciary.
- HB 43**, introduced by Bankhead, (by request of the Department of Corrections) referred to Committee on Judiciary.
- HB 44**, introduced by Devaney, (by request of the Department of Corrections) referred to Committee on Judiciary.
- HB 45**, introduced by Trexler, referred to Committee on Transportation.
- HB 46**, introduced by Grinde, (by request of the State Auditor) referred to Committee on Human Services.
- HB 47**, introduced by Ellis, (by request of the Governor) referred to Committee on Appropriations.
- HB 48**, introduced by Quilici, Pavlovich, (by request of the Department of Military Affairs) referred to Committee on State Administration.
- HB 49**, introduced by Cobb, referred to Committee on Education.
- HB 50**, introduced by Cobb, referred to Committee on Natural Resources.
- HB 51**, introduced by Trexler, referred to Committee on Transportation.
- HB 52**, introduced by Kitzenberg, referred to Committee on Education.
- HB 53**, introduced by Bohlinger, referred to Committee on Human Services.
- HB 54**, introduced by Bohlinger, referred to Committee on Natural Resources.
- HB 55**, introduced by Cobb, referred to Committee on Business & Labor.
- HB 56**, introduced by R. Johnson, (by request of the Board of Housing) referred to Committee on Business & Labor.
- HB 57**, introduced by DeBruycker, (by request of the Department of Agriculture) referred to Committee on Agriculture.
- HB 58**, introduced by Ewer, (by request of the Department of Commerce) referred to Committee on Business & Labor.
- HB 59**, introduced by R. Johnson, Stovall, Mills, referred to Committee on Natural Resources.
- HB 60**, introduced by Rose, referred to Committee on Local Government.
- HB 61**, introduced by Wiseman, (by request of the Public Employees' Retirement Board) referred to Committee on State Administration.
- HB 62**, introduced by Grady, (by request of the Department of Natural Resources and Conservation) referred to Committee on Appropriations.

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- HB 63**, introduced by Harrington, (by request of the Department of Commerce) referred to Committee on Taxation.
- HB 64**, introduced by Ewer, (by request of the Department of Commerce) referred to Committee on Local Government.
- HB 65**, introduced by Menahan, referred to Committee on Judiciary.
- HB 66**, introduced by Cocchiarella, (by request of the Joint Oversight Committee on Children and Families) referred to Committee on Human Services.
- HB 67**, introduced by Cobb, referred to Committee on Appropriations.
- HB 68**, introduced by McGee, (by request of the Department of Corrections) referred to Committee on Judiciary.
- HB 69**, introduced by Hagener, Bartlett, referred to Committee on Local Government.
- HB 70**, introduced by Hibbard, (by request of the Revenue Oversight Committee) referred to Committee on Taxation.
- HB 71**, introduced by Mood, (by request of the Department of Natural Resources and Conservation) referred to Committee on State Administration.
- HB 72**, introduced by Quilici, Pavlovich, referred to Committee on State Administration.
- HB 73**, introduced by Mood, (by request of the Department of Natural Resources and Conservation) referred to Committee on Natural Resources.
- HB 74**, introduced by Masolo, (by request of the Department of Administration) referred to Committee on State Administration.
- HB 75**, introduced by Hagener, Miller, (by request of the Department of Administration) referred to Committee on State Administration.
- HB 76**, introduced by Masolo, referred to Committee on State Administration.
- HB 77**, introduced by Simpkins, referred to Committee on Education.
- HB 78**, introduced by Simpkins, referred to Committee on Business & Labor.
- HB 79**, introduced by Simpkins, referred to Committee on Education.
- HB 80**, introduced by Kitzenberg, referred to Committee on Taxation.
- HB 81**, introduced by Devaney, (by request of the Department of Natural Resources and Conservation) referred to Committee on Natural Resources.
- HB 82**, introduced by Hibbard, (by request of the Department of Revenue) referred to Committee on Taxation.
- HB 83**, introduced by Bergsagel, (by request of the Department of Corrections) referred to Committee on Select Corrections.
- HB 84**, introduced by Kitzenberg, referred to Committee on Appropriations.
- HB 85**, introduced by Harper, (by request of the Secretary of State) referred to Committee on State Administration.
- HB 86**, introduced by Hibbard, (by request of the Department of Transportation) referred to Committee on Taxation.
- HB 87**, introduced by M. Hanson, (by request of the Department of Revenue) referred to Committee on Taxation.
- HB 88**, introduced by M. Hanson, (by request of the Department of Revenue) referred to Committee on Taxation.
- HB 89**, introduced by Kottel, (by request of the Joint Interim Subcommittee on State Management Systems) referred to Committee on State Administration.
- HB 90**, introduced by Wiseman, (by request of the Committee on Public Employee Retirement Systems) referred to Committee on State Administration.
- HB 91**, introduced by Wiseman, (by request of the Committee on Public Employee Retirement Systems) referred to Committee on State Administration.
- HB 92**, introduced by Tash, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.
- HB 93**, introduced by Hagener, Jenkins, Peck, Jergeson, referred to Committee on Transportation.
- HB 94**, introduced by Kitzenberg, referred to Committee on Taxation.
- HB 95**, introduced by Kitzenberg, referred to Committee on Business & Labor.
- HB 96**, introduced by R. Johnson, (by request of the Department of Administration) referred to Committee on State

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Administration.

HB 97, introduced by Devaney, (by request of the Department of Transportation) referred to Committee on Transportation.

HB 98, introduced by Clark, (by request of the Department of Corrections) referred to Committee on Judiciary.

HB 99, introduced by Trexler, referred to Committee on Transportation.

HB 100, introduced by Soft, (by request of the Department of Corrections) referred to Committee on Select Corrections.

HB 101, introduced by Bergsagel, (by request of the Department of Corrections) referred to Committee on Appropriations.

HB 102, introduced by Beaudry, (by request of the Department of Corrections) referred to Committee on Select Corrections.

HB 103, introduced by Bookout-Reinicke, (by request of the State Auditor) referred to Committee on Business & Labor.

HB 104, introduced by Hagener, (by request of the Office of Public Instruction) referred to Committee on Education.

HB 105, introduced by Barnett, Hargrove, Swysgood, (by request of the Department of Agriculture) referred to Committee on Agriculture.

HB 106, introduced by Harper, (by request of the Secretary of State) referred to Committee on State Administration.

HB 107, introduced by Kasten, (by request of the Department of Public Health and Human Services) referred to Committee on Taxation.

HB 108, introduced by Swanson, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.

HB 109, introduced by Harper, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.

HB 110, introduced by Swanson, (by request of the Governor and the Department of Justice) referred to Committee on Appropriations.

HB 111, introduced by Ahner, (by request of the Department of Corrections and the Department of Justice) referred to Committee on Judiciary.

HB 112, introduced by Ahner, (by request of the Teachers' Retirement Board) referred to Committee on State Administration.

HB 113, introduced by McCulloch, (by request of the Juvenile Justice and Mental Health Study Commission) referred to Committee on Select Corrections.

HB 114, introduced by McCulloch, (by request of the Juvenile Justice and Juvenile Mental Health Study Commission) referred to Committee on Select Corrections.

HB 115, introduced by Grimes, Shea, (by request of the Department of Labor) referred to Committee on Business & Labor.

HB 116, introduced by Pavlovich, (by request of the State Auditor) referred to Committee on Business & Labor.

HB 117, introduced by Pavlovich, (by request of the State Auditor) referred to Committee on Business & Labor.

HB 118, introduced by Grady, (by request of the Department of Environmental Quality) referred to Committee on Natural Resources.

HB 119, introduced by Grady, (by request of the Office of Public Instruction) referred to Committee on Appropriations.

HB 120, introduced by Rose, referred to Committee on Natural Resources.

HB 121, introduced by Simpkins, (by request of the Teachers' Retirement Board) referred to Committee on State Administration.

HB 122, introduced by McGee, (by request of the Department of Corrections) referred to Committee on Judiciary.

HB 123, introduced by Simpkins, (by request of the Department of Administration) referred to Committee on State

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Administration.

HB 124, introduced by Kitzenberg, referred to Committee on Transportation.

HB 125, introduced by Grady, (by request of the Department of Corrections) referred to Committee on Select Corrections.

HB 126, introduced by Cobb, referred to Committee on Taxation.

HB 127, introduced by J. Johnson, (by request of the Department of Justice).

HB 128, introduced by Soft, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.

HB 129, introduced by Soft, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.

HB 130, introduced by M. Hanson, referred to Committee on Local Government.

HB 131, introduced by Simon, (by request of the State Auditor) referred to Committee on Business & Labor.

HB 132, introduced by Knox, Mesaros, Doherty, Grosfield, Ryan, Orr, Brooke, (by request of the Environmental Quality Council) referred to Committee on Natural Resources.

HB 133, introduced by Menahan, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.

HB 134, introduced by J. Johnson, (by request of the Teachers' Retirement Board) referred to Committee on State Administration.

HB 135, introduced by Smith, (by request of the Board of Pardons and Parole) referred to Committee on Judiciary.

HB 136, introduced by Wiseman, (by request of the Department of Corrections) referred to Committee on Select Corrections.

HB 137, introduced by Smith, Beck, referred to Committee on Judiciary.

HB 138, introduced by R. Johnson, (by request of the Department of Corrections) referred to Committee on Select Corrections.

HB 139, introduced by Swanson, (by request of the Department of Administration) referred to Committee on Appropriations.

HB 140, introduced by Krenzler, referred to Committee on Local Government.

HB 141, introduced by Keenan, Bergsagel, (by request of the Legislative Audit Committee) referred to Committee on Judiciary.

HB 142, introduced by Kasten, (by request of the Board of Regents) referred to Committee on State Administration.

HB 143, introduced by Barnett, (by request of the State Auditor) referred to Committee on Business & Labor.

HB 144, introduced by Simon, (by request of the Legislative Audit Committee) referred to Committee on Human Services.

HB 145, introduced by Peck, (by request of the Office of Public Instruction) referred to Committee on Transportation.

HB 146, introduced by R. Johnson, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.

HB 147, introduced by Kasten, (by request of the Department of Revenue) referred to Committee on Business & Labor.

HB 148, introduced by Harrington, (by request of the Department of Revenue) referred to Committee on Taxation.

HB 149, introduced by R. Johnson, (by request of the Department of Commerce) referred to Committee on Human Services.

HB 150, introduced by R. Johnson, referred to Committee on Business & Labor.

HB 151, introduced by Marshall, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.

HB 152, introduced by Grady, (by request of the Department of Environmental Quality) referred to Committee on Natural Resources.

HB 153, introduced by Grady, (by request of the Department of Environmental Quality) referred to Committee on

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Natural Resources.

HB 154, introduced by Taylor, (by request of the Department of Environmental Quality) referred to Committee on Natural Resources.

HB 155, introduced by Tropila, (by request of the State Auditor) referred to Committee on Business & Labor.

HB 156, introduced by Grady, (by request of the Department of Natural Resources and Conservation) referred to Committee on Natural Resources.

HB 157, introduced by Barnhart, referred to Committee on Human Services.

HB 158, introduced by Barnhart, referred to Committee on Taxation.

HB 159, introduced by Barnhart, (by request of the Joint Oversight Committee on Children and Families) referred to Committee on Judiciary.

HB 160, introduced by Tash, (by request of the Department of Environmental Quality) referred to Committee on Local Government.

HB 161, introduced by Barnhart, referred to Committee on Business & Labor.

HB 162, introduced by Denny, (by request of the Department of Environmental Quality) referred to Committee on Natural Resources.

HB 163, introduced by Menahan, (by request of the Department of Public Health and Human Services) referred to Committee on Judiciary.

HB 164, introduced by Tuss, (by request of the Department of Commerce) referred to Committee on Business & Labor.

HB 165, introduced by Tuss, (by request of the Department of Commerce) referred to Committee on Business & Labor.

HB 166, introduced by Zook, Grosfield, (by request of the Legislative Finance Committee) referred to Committee on Appropriations.

HB 167, introduced by McCulloch, (by request of the Juvenile Justice and Mental Health Study Commission) referred to Committee on Select Corrections.

HB 168, introduced by R. Johnson, (by request of the Department of Public Health and Human Services) referred to Committee on Judiciary.

HB 169, introduced by Zook, Van Valkenburg, (by request of the Legislative Finance Committee) referred to Committee on Appropriations.

HB 170, introduced by Ahner, (by request of the Public Employees' Retirement Board) referred to Committee on State Administration.

HB 171, introduced by Raney, (by request of the Legislative Finance Committee) referred to Committee on Taxation.

HB 172, introduced by Soft, (by request of the Department of Administration) referred to Committee on Business & Labor.

HB 173, introduced by Squires, (by request of the Public Employees' Retirement Board) referred to Committee on State Administration.

HB 174, introduced by Smith, (by request of the Public Employees' Retirement Board) referred to Committee on State Administration.

HB 175, introduced by Ream, referred to Committee on Fish, Wildlife, & Parks.

HB 176, introduced by Orr, referred to Committee on Taxation.

HJR 1, introduced by Kitzenberg, referred to Committee on Fish, Wildlife, & Parks.

HJR 2, introduced by Harrington, (by request of the Revenue Oversight Committee) referred to Committee on Taxation.

HJR 3, introduced by DeBruycker, referred to Committee on Business & Labor.

HJR 4, introduced by McCann, (by request of the Department of Administration) referred to Committee on State Administration.

HOUSE JOURNAL
FIRST LEGISLATIVE DAY - JANUARY 6, 1997

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Tuesday, January 7, 1997. Motion carried.

House adjourned at 1:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SECOND LEGISLATIVE DAY**

Helena, Montana
January 7, 1997

House Chambers
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Hagener. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ahner, J. Johnson, Kottel, Taylor, excused. Quorum present.

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 177, introduced by Cobb, referred to Committee on State Administration.

HB 178, introduced by Cobb, referred to Committee on Appropriations.

HB 179, introduced by Cobb, referred to Committee on Appropriations.

HR 1, introduced by Grinde, (by request of the House Rules Committee) referred to Committee on Rules.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 8, 1997. Motion carried.

House adjourned at 1:40 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRD LEGISLATIVE DAY**

Helena, Montana
January 8, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative McGee. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives J. Johnson, Kottel, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/8/97
Correctly printed for second reading: HB 1.
Correctly engrossed for third reading: HB 1.

APPROPRIATIONS (Zook, Chairman): 1/7/97
HB 1, introduced bill, do pass. Report adopted.

RULES (Grinde, Chairman): 1/7/97
HR 1, introduced bill, be amended as follows:

1. Page 17, line 9.

Following: "."

Insert: "Unless the majority leader, the minority leader, and the sponsor agree, amendments must be printed and placed on the members' desks prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 180, introduced by Bohlinger, referred to Committee on Business & Labor.

HB 181, introduced by Rehbein, referred to Committee on Natural Resources.

HB 182, introduced by Masolo, Peck, Ahner, Beaudry, Sliter, Wyatt, Marshall, Rehbein, referred to Committee on State Administration.

HB 183, introduced by Masolo, Denny, Bookout-Reinicke, Kitzenberg, Heavy Runner, Hagener, Ahner, Marshall, Rose, referred to Committee on Education.

HB 184, introduced by Peck, Masolo, Rose, Gillan, Wyatt, referred to Committee on Human Services.

HB 185, introduced by Bergsagel, Nelson, referred to Committee on Business & Labor.

HB 186, introduced by Walters, Jore, Bitney, Prouse, referred to Committee on Fish, Wildlife, & Parks.

HB 187, introduced by Walters, Bookout-Reinicke, referred to Committee on Judiciary.

HB 188, introduced by Denny, Cole, referred to Committee on Appropriations.

HB 189, introduced by Barnett, Hargrove, referred to Committee on Agriculture.

HB 190, introduced by Anderson, Grosfield, Raney, referred to Committee on Local Government.

HOUSE JOURNAL
THIRD LEGISLATIVE DAY - JANUARY 8, 1997

MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of HB 1 on second and third readings and transmittal to the Senate this legislative day. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 1 - Representative Zook moved HB 1 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Boharski, Clark, Dowell, Holland, Jore, Keenan, Lawson, Rehbein, Vick.

Total 11

Voted Absentee: Grimes, J. Johnson, Kottel, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved that the Committee of the Whole report be adopted. Report adopted. (89-7)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 passed as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Boharski, Dowell, Holland, Jore, Keenan, Rehbein, Vick, Wells.

Total 10

Voted Absentee: Grimes, J. Johnson, Kottel, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, January 9, 1997. Motion carried.

House adjourned at 1:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FOURTH LEGISLATIVE DAY**

Helena, Montana
January 9, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Holland. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives J. Johnson, Cocchiarella, Ohs, Mood, Peck, Rehbein, Barnhart, excused. These members excused by Mr. Speaker to attend the funeral of Representative Johnson's wife, Donna. Quorum present.

Representative Harper administered the oath of office to Representative Kottel.

Mr. Speaker introduced this week's pages:

John Brueggeman, Polson
Seth Cramer, Canyon Creek
Tiffany Gannon, Eureka
Gennifer Hane, Seeley Lake
Rachel Helvik, Helena
Denice Vennes, Townsend
Sara Walters, Hamilton

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/9/97
Correctly printed for second reading: HR 1, HB 35, HB 58.

BUSINESS & LABOR (Simon, Chairman): 1/9/97
HB 35, introduced bill, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman): 1/9/97
HB 58, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman): 1/9/97
HB 26, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "THREE"
Insert: "TWO"

2. Page 2, line 14.
Strike: "may"
Insert: "shall"

3. Page 2.
Following: line 19
Strike: subsection (3) in its entirety

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And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

- HB 191**, introduced by Raney, Bergsagel, McCann, Jenkins, referred to Committee on Appropriations.
HB 192, introduced by H. Hanson, referred to Committee on Education.
HB 193, introduced by H. Hanson, referred to Committee on State Administration.
HB 194, introduced by Hagener, Ahner, Rose, Harrington, Kitzenberg, Doherty, Sands, Swanson, Ewer, Wyatt, Brooke, Halligan, Eck, Ream, Burnett, Bartlett, Bohlinger, Clark, referred to Committee on Taxation.
HB 195, introduced by Tash, referred to Committee on Judiciary.
HB 196, introduced by Tash, referred to Committee on Local Government.
HB 197, introduced by Krenzler, Lynch, Keating, Crippen, referred to Committee on Local Government.
HB 198, introduced by Ellis, Keenan, Sliter, Jenkins, Grimes, Clark, Benedict, Rehbein, Simpkins, Denny, Toews, DePratu, Mahlum, referred to Committee on Education.
HB 199, introduced by Knox, H. Hanson, Tash, M. Hanson, Raney, Swanson, Ohs, Ellis, Hayne, Taylor, Rose, Orr, Sliter, Stang, Curtiss, Grinde, Quilici, referred to Committee on Judiciary.
HB 200, introduced by Ahner, Masolo, McGee, Grimes, Harper, Smith, Bergman, Molnar, Waterman, referred to Committee on Judiciary.
HB 201, introduced by Krenzler, Hagener, Lynch, Gillan, Keating, referred to Committee on Local Government.
HB 202, introduced by Galvin, Simon, Wiseman, Tuss, H. Hanson, Mills, Hertel, Hurdle, Ryan, Crippen, R. Johnson, Tropila, Wyatt, Bohlinger, Stovall, Schmidt, Bishop, Gillan, Wilson, Franklin, Clark, referred to Committee on Transportation.
HB 203, introduced by R. Johnson, referred to Committee on Select Corrections.
HB 204, introduced by Ewer, referred to Committee on Local Government.
HB 205, introduced by R. Johnson, referred to Committee on Local Government.
HB 206, introduced by McCann, Jergeson, Toews, Holland, Peck, referred to Committee on Education.
HB 207, introduced by Grady, referred to Committee on Business & Labor.
HB 208, introduced by Marshall, referred to Committee on Judiciary.
HB 209, introduced by Marshall, referred to Committee on Taxation.
HB 210, introduced by Hayne, referred to Committee on Taxation.
HB 211, introduced by Rose, Hayne, Kitzenberg, Ahner, Stang, Hertel, referred to Committee on Local Government.

SPECIAL ORDERS OF THE DAY

Representatives Harper, Quilici, and Ewer and Rev. George Harper delivered a eulogy for Representative Johnson's wife, Donna.

Representative Ewer moved a Proclamation by Special Order be passed and printed in the journal. Motion carried. Following is a copy of the special order:

Today we offer our prayers, sympathy and condolences to our fellow member, Representative John Johnson, over the loss of his spouse, Donna, his wife of 46 years and the mother of their four children.

We pray that he and his family will find comfort in this time of sorrow.

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We honor the fidelity and courage of John, who, heeding the wishes of his devoted wife, took his oath of office as a Representative of the people of Glendive even during her last moments.

The Montana House of Representatives is grateful to the unselfish devotion of Representative Johnson and Donna and earnestly prays that John and his family will find solace in this difficult and sad time.

Adopted and passed as a special order, this January 9, 1997.

Signed by: John Mercer, Speaker of the House; Vicki Cocchiarella, House Minority Leader. Attested by: Marilyn Miller, Chief Clerk.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 10, 1997. Motion carried.

House adjourned at 1:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FIFTH LEGISLATIVE DAY**

Helena, Montana
January 10, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Page Rachel Helvik. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives J. Johnson, Galvin, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/10/97
Correctly printed for second reading: HB 26.

STATE ADMINISTRATION (Denny, Chairman): 1/10/97
HB 30, introduced bill, do pass. Report adopted.

HB 48, introduced bill, do pass. Report adopted.

AGRICULTURE (Barnett, Chairman): 1/9/97
HB 57, introduced bill, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman): 1/9/97
HB 16, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "TO LICENSED OPERATORS"

2. Page 5, line 30.
Strike: "A person licensed as a"

3. Page 6, line 1.
Strike: "manufacturer" through "license."

4. Page 6, line 2.
Strike: "to licensed operators"

5. Page 6, line 25.
Following: "tabs"
Strike: "to a licensed operator"

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 212, introduced by Raney, Crippen, Ellis, Harper, Doherty, Grinde, Stang, Simon, Wagner, referred to

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Committee on Fish, Wildlife, & Parks.

HB 213, introduced by Brainard, Denny, referred to Committee on Taxation.

HB 214, introduced by Grady, Orr, Ellis, Beck, referred to Committee on Natural Resources.

HB 215, introduced by Orr, Clark, Smith, Crismore, referred to Committee on Judiciary.

HB 216, introduced by Hibbard, Crippen, Simpkins, Bartlett, Denny, Hagener, Hertel, Wiseman, Devlin, Wilson, Sands, Jergeson, Quilici, referred to Committee on State Administration.

HB 217, introduced by Bergsagel, referred to Committee on State Administration.

HB 218, introduced by Clark, Cole referred to Committee on Judiciary.

HB 219, introduced by Prouse, Jore, Holland, Glaser, referred to Committee on Natural Resources.

HB 220, introduced by Lawson, referred to Committee on Fish, Wildlife, & Parks.

HB 221, introduced by Jore, referred to Committee on Education.

HB 222, introduced by Anderson, M. Taylor, Mercer, Devaney, Harp, Crippen, referred to Committee on Judiciary.

HB 223, introduced by Simpson, Lynch, Squires, Hurdle, Schmidt, Franklin, Bartlett, referred to Committee on Appropriations.

HB 224, introduced by Kitzenberg, referred to Committee on Agriculture.

HB 225, introduced by Kitzenberg, referred to Committee on Natural Resources.

HB 226, introduced by Ellis, Raney, Cole, Jergeson, referred to Committee on Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 35 - Representative DeBruycker moved HB 35 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Voted Absentee: Galvin, J. Johnson, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 58 - Representative Ewer moved HB 58 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Arnott, Brainard, Curtiss, Denny, M. Hanson, Hurdle, R. Johnson, Kottel, Molnar, Orr, Rehbein, Simpkins, Smith.
Total 13

Voted Absentee: Galvin, J. Johnson, Ayes.

Excused: None.
Total 0

Absent or not voting: Harper.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (94-3)

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 110: Representative McGee, Representative Knox, Representative Quilici, Senator Halligan, Senator Grosfield, Senator Beck.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 11, 1997. Motion carried.

House adjourned at 1:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SIXTH LEGISLATIVE DAY**

Helena, Montana
January 11, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bitney. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ellis, Galvin, Hurdle, J. Johnson, McCann, Smith, Taylor, Wiseman, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/11/97

Correctly printed for second reading: HB 16, HB 30, HB 48, HB 57.

Correctly engrossed for third reading: HB 35, HB 58.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/10/97

SB 18, introduced by Halligan

SB 25, introduced by Jergeson

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 227, introduced by Kottel, referred to Committee on State Administration.

HB 228, introduced by Cobb, referred to Committee on Appropriations.

HB 229, introduced by Cobb, referred to Committee on Local Government.

HB 230, introduced by Story, referred to Committee on Taxation.

HB 231, introduced by Barnhart, Brooke, Eck, Burnett, Waterman, Dowell, Cocchiarella, Sands, Wyatt, Kottel, Bookout-Reinicke, Halligan, Hargrove, referred to Committee on Judiciary.

HB 232, introduced by Bohlinger, Beck, Bowman Shea, Pavlovich, Masolo, referred to Committee on Business & Labor.

HB 233, introduced by Story, referred to Committee on Transportation.

HB 234, introduced by Bitney, referred to Committee on Judiciary.

HJR 5, introduced by Kitzenberg, referred to Committee on Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 18, introduced by Halligan, (by request of the Legislative Council) referred to Committee on Business & Labor.

SB 25, introduced by Jergeson, referred to Committee on Local Government.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business

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SIXTH LEGISLATIVE DAY - JANUARY 11, 1997

on second reading. Motion carried. Representative Tropila in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 30 - Representative Hayne moved HB 30 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Ellis, Galvin, Hurdle, J. Johnson, McCann, Smith, Taylor, Wiseman, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 - Representative Quilici moved HB 48 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Curtiss.
Total 1

Voted Absentee: Ellis, Galvin, Hurdle, J. Johnson, McCann, Smith, Taylor, Wiseman, Ayes.

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 57 - Representative DeBruycker moved HB 57 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Ellis, Galvin, Hurdle, J. Johnson, McCann, Smith, Taylor, Wiseman, Ayes.

Excused: None.

Total 0

Absent or not voting: DeBruycker, Mills.

Total 2

HB 26 - Representative Cobb moved HB 26 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Anderson, DeBruycker, Gillan, Kasten, Kottel, Lawson, McGee, Story, Taylor, Tuss.

Total 11

Voted Absentee: Ellis, Galvin, Hurdle, J. Johnson, McCann, Smith, Wiseman, Ayes; Taylor, No.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (91-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 35 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Ellis, Galvin, Hurdle, McCann, Smith, Taylor, Wiseman, Ayes.

Excused: J. Johnson.

Total 1

Absent or not voting: None.

Total 0

HB 58 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Brainard, Denny, M. Hanson, Hurdle, Kottel, Krenzler, Orr, Rehbein, Rose.

Total 9

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Voted Absentee: Ellis, Galvin, McCann, Smith, Taylor, Wiseman, Ayes; Hurdle, No.

Excused: J. Johnson.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, January 13, 1997. Motion carried.

House adjourned at 8:25 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
SEVENTH LEGISLATIVE DAY**

Helena, Montana
January 13, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Barnett. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

COMMUNICATIONS AND PETITIONS

Mr. Speaker appointed Representatives Peck, Menahan, Grinde, and Sliter to the Legislative Council.

Mr. Speaker appointed Representatives Bankhead and Ellingson as temporary members of the Administrative Code Committee.

Mr. Speaker appointed Representative Hayne as a temporary member of the Committee on Indian Affairs.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/13/97
Correctly engrossed for third reading: HB 26, HB 30, HB 48, HB 57.

HUMAN SERVICES (Grimes, Chairman): 1/11/97
HB 33, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/11/97

SB 13, introduced by Lynch
SB 24, introduced by McNutt

House bill concurred in and returned to the House: 1/13/97

HB 1, introduced by Zook

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 235, introduced by Raney, referred to Committee on Appropriations.

HB 236, introduced by Raney, Kitzenberg, Grinde, McCann, Ryan, Mesaros, Beck, referred to Committee on Fish, Wildlife, & Parks.

HB 237, introduced by Rose, Tropila, Halligan, Hagener, Marshall, referred to Committee on Taxation.

HB 238, introduced by Peck, Ryan, Sprague, Grady, Heavy Runner, Harper, Pease, referred to Committee on Business & Labor.

HB 239, introduced by Tropila, Kottel, Christiaens, referred to Committee on Judiciary.

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HB 240, introduced by Devaney, referred to Committee on Business & Labor.
HB 241, introduced by Kottel, Ellis, Christiaens, referred to Committee on Business & Labor.
HB 242, introduced by Kitzenberg, referred to Committee on Transportation.
HB 243, introduced by Denny, referred to Committee on Judiciary.
HB 244, introduced by Grimes, Foster, Masolo, Harper, Ewer, Bartlett, Eck, referred to Committee on Appropriations.
HB 245, introduced by Simpkins, referred to Committee on Education.
HB 246, introduced by Simpkins, referred to Committee on Education.

The following Senate bills were introduced, read first time, and referred to committees:

SB 13, introduced by Lynch, (by request of the Department of Administration and the Legislative Council) referred to Committee on State Administration.
SB 24, introduced by McNutt, (by request of the Department of Military Affairs) referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HR 1 - Representative Grinde moved HR 1 do pass.

Representative H. Hanson moved HR 1, second reading copy, be amended as follows (amendment #1):

1. Page 7, line 30 through page 8, line 1.

Following: "proceed" on page 7, line 30

Strike: remainder of line 30 through "appropriate" on page 8, line 1

2. Page 8, line 2.

Insert: "(4) If a member is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the House that the member be censured or be subject to other action. The House shall act upon the recommendation of the Committee."

3. Page 9, lines 5 and 6.

Following: "They" on line 5

Strike: remainder of line 5 through "they" on line 6

4. Page 9, line 29:

Strike: "or"

Insert: "of"

5. Page 10, line 9.

Following: "persons"

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Insert: ", other than legislators,"

6. Page 10, line 19.

Strike: "take up"

Insert: "hear"

7. Page 12, line 2.

Following: "telephone"

Strike: "of"

Insert: "or"

8. Page 12, line 6.

Strike: "must"

Insert: "should"

9. Page 12, line 13.

Following: "sponsor"

Insert: "or a legislator"

10. Page 12, line 23.

Strike: "Marshall"

Insert: "Marshal"

11. Page 15, line 25.

Strike: "one"

12. Page 16, line 22.

Following: "Whole,"

Insert: "except on a tie vote,"

13. Page 20, line 11.

Following: "day"

Insert: "within 1 day of receipt"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Ellingson, Pease, Tuss.

Total 4

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Excused: None.
Total 0

Absent or not voting: Ewer.
Total 1

Representative Cobb moved HR 1, second reading copy, be further amended as follows (amendment #2):

1. Page 14, line 19.
Strike: "not less than three-fifths of"
2. Page 14, line 24.
Strike: "not less than three-fifths of"
3. Page 14, line 30.
Strike: "not less than three-fifths of"
4. Page 16, line 11.
Strike: "not less than three-fifths of"
5. Page 24, lines 17 through 21.
Strike: subsections (3) through (5) in their entirety
Renumber: subsequent subsections
6. Page 24, lines 29 and 30.
Following: "}" on line 29
Strike: remainder of line 29 through "}" on line 30
7. Page 25, line 6.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

Representative H. Hanson moved the amendment (amendment #2 Section #6) be divided. Section #6 reads as follows:

6. Page 24, lines 29 and 30.
Following: "}" on line 29
Strike: remainder of line 29 through "}" on line 30

Thereupon, amendment #2 Section #6 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Molnar, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

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Noes: Bergman, Devaney, Hagener, H.S. Hanson, Hibbard, Masolo, Mills, Mood, Ohs, Simon, Sliter, Tash, Trexler.

Total 13

Excused: None.

Total 0

Absent or not voting: Prouse.

Total 1

Representative Cobb moved HR 1, second reading copy, be further amended (amendment #2 Sections 1-5, 7). Motion failed as follows:

Ayes: Boharski, Cobb, Curtiss, DeBruycker, Galvin, Jore, Keenan, Menahan, Peck, Prouse, Raney, Ryan, Sands, Tuss, Vick, Wells.

Total 16

Noes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Ream, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Excused: None.

Total 0

Absent or not voting: Arnott, Barnhart.

Total 2

Representative Ream moved HR 1, second reading copy, be further amended as follows (amendment #3):

1. Page 5, line 28.

Following: "officer"

Strike: remainder of line 28 through "Chairman"

Amendment # 3 passed as follows:

Ayes: Adams, Ahner, Arnott, Barnhart, Bergman, Bergsagel, Bitney, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Bankhead, Barnett, Beaudry, Boharski, Brainard, Curtiss, Denny, H.S. Hanson, M. Hanson,

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Hayne, Jore, Kasten, McCann, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Sliter, Smith, Story, Stovall, Trexler, Vick, Wagner, Wells.

Total 28

Excused: None.

Total 0

Absent or not voting: Bohlinger.

Total 1

Representative Grinde moved HR 1, as amended, do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Brainard, Cobb, Galvin, Rehbein.

Total 5

Excused: None.

Total 0

Absent or not voting: Marshall.

Total 1

HB 16 - Representative Pavlovich moved HB 16 do pass.

Representative Pavlovich moved HB 16, second reading copy, be amended as follows (amendment #1):

1. Page 6, line 25.

Following: "from the"

Strike: "operator"

Insert: "purchaser"

Amendment # 1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt,

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Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Prouse.

Total 1

Excused: None.

Total 0

Absent or not voting: H.S. Hanson.

Total 1

Representative Pavlovich moved HB 16, as amended, do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Boharski, Brainard, Denny, Jore, McGee, Prouse, Soft, Wells.

Total 9

Excused: None.

Total 0

Absent or not voting: Barnhart, Bergman, Grinde, Hurdle, Molnar, Rehbein, Vick.

Total 7

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sliter moved that the Committee of the Whole report be adopted. Report adopted. (99-1)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 30 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten,

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Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Devaney.
Total 1

HB 48 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Brainard, Ellis.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 57 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

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Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ohs.
Total 1

HB 26 passed as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 87

Noes: Adams, Anderson, DeBruycker, Gillan, Hayne, Kasten, Kottel, Krenzler, McGee, Rehbein, Story, Tuss, Zook.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Mr. Speaker introduced this week's pages:

John Brueggeman, Polson
Jamie Cornwell, Glasgow
Casey Halcro, Great Falls
Devin Herring, Ronan
K'Lynn Sloan, Havre
Pamela Stanfield, Polson
Joan Williams, Butte

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 14, 1997. Motion carried.

HOUSE JOURNAL
SEVENTH LEGISLATIVE DAY - JANUARY 13, 1997

House adjourned at 1:55 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
EIGHTH LEGISLATIVE DAY**

Helena, Montana
January 14, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Tropila. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ahner, Ewer, excused. Quorum present.

Mr. Speaker welcomed Butte High School choir group, Harmony, and Director Rose Marie Bickford, who entertained the House Chambers with three musical selections.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/14/97
Correctly printed for second reading: HB 33.
Correctly engrossed for third reading: HB 16.
Correctly enrolled: HB 1, HR 1.
Examined by the sponsor and found to be correct: HB 1.
Signed by the Speaker at 12:20 p.m., 1/14/97: HB 1.
Delivered to the Governor for his approval at 1:30 p.m., 1/14/97: HB 1.

NATURAL RESOURCES (Knox, Chairman): 1/14/97
HB 81, introduced bill, do pass. Report adopted.
HB 118, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "highway"
Strike: "project"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman): 1/13/97
HB 87, introduced bill, do pass. Report adopted.
HB 88, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 1/13/97
SB 40, introduced by Gage

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

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HB 247, introduced by Harper, Menahan, Grady, Feland, Marshall, Hibbard, Ream, Swanson, Waterman, referred to Committee on Fish, Wildlife, & Parks.

HB 248, introduced by Harper, referred to Committee on Local Government.

HB 249, introduced by Cobb, referred to Committee on Business & Labor.

HB 250, introduced by Cobb, Eck, referred to Committee on Human Services.

HB 251, introduced by Holland, Ahner, Molnar, Beaudry, Wells, Jore, referred to Committee on Judiciary.

HB 252, introduced by Molnar, Baer, Bitney, Keenan, Curtiss, Sliter, Beaudry, Wells, Arnott, Orr, Devaney, Bankhead, Jore, Tash, Prouse, Vick, McGee, Halligan, Estrada, Gage, Mills, referred to Committee on Business & Labor.

HB 253, introduced by Mercer, Halligan, referred to Committee on Local Government.

HB 254, introduced by Barnhart, referred to Committee on State Administration.

HB 255, introduced by Lawson, referred to Committee on Local Government.

HB 256, introduced by Bergman, Orr, Ahner, Kottel, Molnar, Curtiss, Simon, Sands, Burnett, Hertel, Thomas, Keating, Dowell, Estrada, Glaser, referred to Committee on Human Services.

HB 257, introduced by Kottel, referred to Committee on Judiciary.

The following Senate bill was introduced, read first time, and referred to committee:

SB 40, introduced by Gage, (by request of the Department of Administration) referred to Committee on State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 33 - Representative Kasten moved HB 33 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Ahner, Ewer, Ayes.

Excused: None.

HOUSE JOURNAL
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Total 0

Absent or not voting: McCann.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved that the Committee of the Whole report be adopted. Report adopted. (97-0)

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 43: Senator Thomas.

The following sponsors were added to HB 54: Representative Hurdle, Senator Estrada, Senator Bishop.

The following sponsors were added to HB 70: Representative Anderson, Representative Ream, Representative M. Hanson, Representative Ryan, Representative Tropila, Representative Harrington, Representative Rose, Representative Carey, Senator Waterman, Senator Christiaens, Senator Stang, Senator Foster, Senator Cole, Senator Gage.

The following sponsors were added to HB 86: Senator Cole.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 15, 1997. Motion carried.

House adjourned at 1:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
NINTH LEGISLATIVE DAY**

Helena, Montana
January 15, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Story. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Heavy Runner, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/15/97

Correctly printed for second reading: HB 81, HB 87, HB 88, HB 118.

Correctly engrossed for third reading: HB 33.

Examined by the sponsor and found to be correct: HR 1.

Signed by the Speaker at 11:25 a.m., 1/15/97: HR 1.

Delivered to the Secretary of State at 11:25 a.m., 1/15/97: HR 1.

LOCAL GOVERNMENT (Mills, Chairman):

1/15/97

HB 22, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/14/97

HB 29, introduced bill, be amended as follows:

1. Title, line 5 and line 6.

Following: "IN A" in each line

Insert: "K-12"

2. Title, lines 8 and 9.

Strike: "FOR" on line 8 through "PURPOSES" on line 9

3. Page 1, line 14.

Following: "weapon in"

Insert: "K-12"

4. Page 1, lines 16, 17, 18, 20, and 23.

Following: "in a" in each line

Insert: "K-12"

5. Page 1, line 21.

Strike: "This section"

Insert: "Subsection (1)"

6. Page 1, lines 23 and 24.

Strike: "for an" on line 23 through "activity" on line 24

7. Page 1, line 26.

Following: "both."

Insert: "The court shall consider alternatives to incarceration that are available in the community."

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8. Page 1, line 27.

Following: "(b)"

Insert: "(i)"

9. Page 1.

Following: line 29

Insert: "(ii) If a weapon seized under the provisions of this section is subsequently determined to have been stolen, or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner."

10. Page 2, line 1.

Strike: "fireworks" through "61-1-506"

Insert: "a sword, a straight razor, a throwing star, nun-chucks, or brass or other metal knuckles"

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):
HB 56, introduced bill, be amended as follows:

1/14/97

1. Page 1, lines 20 and 21.

Following: "~~elder~~" on line 20

Strike: remainder of line 20 through "guidelines" on line 21

Insert: "68 years of age or older, except as provided on a case-by-case basis in accordance with program guidelines established by the board of housing"

And, as amended, do pass. Report adopted.

HB 117, introduced bill, be amended as follows:

1. Title, line 6.

Following: "PAYMENTS,"

Strike: "INTEREST"

Insert: "FINANCE CHARGES"

2. Page 2, lines 2 through 8.

Strike: subsection (3) in its entirety

Insert: "(3) A group or individual credit disability insurance policy or a certificate that provides coverage for credit card indebtedness must provide a disability benefit during each credit card billing cycle that, subject to any specified dollar amount limit defined in the policy or certificate, may not be less than the greater of the following amounts:

(a) the minimum payment required by the creditor for the billing cycle pursuant to the credit card contract, based on the insured balance as of the date that an insured disability commences; or

(b) the sum of the following amounts payable in the billing cycle and based on the insured balance on the date that an insured disability commences:

(i) the finance charge calculated pursuant to the credit card contract;

(ii) all premiums charged for credit disability insurance coverage; and

(iii) all other charges on the balance that are incurred in the billing cycle."

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And, as amended, do pass. Report adopted.

HB 131, introduced bill, be amended as follows:

1. Title, line 13.

Following: "33-18-210"

Strike: "33-18-301,"

2. Page 7, line 22.

Strike: "and counterclaims"

3. Page 7, line 26.

Following: "setoff"

Strike: "or counterclaim"

4. Page 25, line 21.

Following: "on,"

Strike: "refuse to issue,"

5. Page 26, line 15 through line 5 on page 27.

Strike: section 27 in its entirety

Renumber: subsequent sections

6. Page 46, line 7.

Following: "industry"

Strike: "data"

Insert: "experience, or countrywide industry experience if this state's experience is not credible, for similar contracts of insurance"

7. Page 46, line 30.

Strike: "42"

Insert: "41"

8. Page 47, line 2.

Strike: "42"

Insert: "41"

9. Page 47, lines 3 and 4.

Strike: "43 and 44"

Insert: "42 and 43"

10. Page 47, lines 5 and 6.

Strike: "45"

Insert: "44"

11. Page 47, lines 7 and 8.

Strike: "46"

Insert: "45"

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12. Page 47, lines 9 and 10.

Strike: "47"

Insert: "46"

And, as amended, do pass. Report adopted.

HB 143, introduced bill, do pass. Report adopted.

HB 32, introduced bill, do pass. Report adopted.

1/15/97

HB 165, introduced bill, be amended as follows:

1. Page 7, line 13.

Following: "delta 1"

Insert: "(delta 9)"

2. Page 20, lines 13 through 30.

Strike: section 8 in its entirety

Renumber: subsequent sections

3. Page 21, line 1.

Strike: "Sections"

Insert: "Section"

Strike: "and 8"

Strike: "are"

Insert: "is"

4. Page 21, line 2.

Strike: "sections"

Insert: "section"

5. Page 21, line 3.

Strike: "and 8"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

1/14/97

HB 75, introduced bill, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

1/14/97

HB 144, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/14/97

HB 148, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

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1/14/97

SB 20, introduced by Gage
SB 47, introduced by Foster
SB 76, introduced by Devlin
SB 87, introduced by Jergeson

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

January 15, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 1 sponsored by Representative Zook on January 15, 1997.

Sincerely,

MARC RACICOT
Governor

FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committees:

HB 258, introduced by Simpkins, referred to Committee on Education.
HB 259, introduced by H. Hanson, referred to Committee on Education.
HB 260, introduced by Heavy Runner, Ellingson, Kottel, Cocchiarella, Ream, Sands, Squires, Brooke, Franklin, Doherty, referred to Committee on State Administration.
HB 261, introduced by Molnar, referred to Committee on Select Corrections.
HB 262, introduced by Barnett, Hertel, referred to Committee on Business & Labor.
HB 263, introduced by Dowell, Nelson, referred to Committee on Education.
HB 264, introduced by Molnar, Bergman, McGee, Miller, referred to Committee on Judiciary.
HB 265, introduced by Molnar, McGee, Prouse, Miller, referred to Committee on Fish, Wildlife, & Parks.
HB 266, introduced by Cocchiarella, Mills, Bowman Shea, Wilson, referred to Committee on Business & Labor.
HB 267, introduced by Masolo, referred to Committee on Transportation.
HB 268, introduced by Kottel, referred to Committee on Judiciary.
HB 269, introduced by Knox, Tash, Barnett, Stovall, McCann, Beaudry, M. Hanson, Ohs, Rose, DeBruycker, Holland, Mesaros, Hertel, referred to Committee on Agriculture.
HB 270, introduced by Ream, Bohlinger, Sands, referred to Committee on Judiciary.
HB 271, introduced by Harper, Marshall, Raney, Crippen, Doherty, Masolo, Tropila, Bohlinger, Simon, Kitzenberg, Devaney, Mood, Dowell, referred to Committee on Fish, Wildlife, & Parks.
HB 272, introduced by McGee, J. Johnson, Bartlett, Estrada, referred to Committee on Judiciary.
HB 273, introduced by McGee, J. Johnson, Bartlett, Estrada, referred to Committee on Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

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SB 20, introduced by Gage, (by request of the Revenue Oversight Committee) referred to Committee on Taxation.
SB 47, introduced by Foster, (by request of the Department of Revenue) referred to Committee on Taxation.
SB 76, introduced by Devlin, (by request of the Secretary of State) referred to Committee on State Administration.
SB 87, introduced by Jergeson, (by request of the Secretary of State) referred to Committee on State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 87 - Representative M. Hanson moved HB 87 do pass.

Representative Hibbard moved consideration of HB 87 be passed for the day. Motion carried.

HB 88 - Representative M. Hanson moved HB 88 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Tuss.

Total 1

Voted Absentee: Heavy Runner, Aye.

Excused: None.

Total 0

Absent or not voting: Kitzenberg.

Total 1

HB 81 - Representative Devaney moved HB 81 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs,

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Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 95

Noes: Boharski, Gillan, Hurdle, Kottel, Wyatt.
Total 5

Voted Absentee: Heavy Runner, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved that the Committee of the Whole report be adopted. Report adopted. (97-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 16 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 84

Noes: Adams, Arnott, Boharski, Brainard, Curtiss, Denny, Grimes, Jore, McGee, Molnar, Orr, Prouse, Rehbein, Soft, Vick, Wells.
Total 16

Voted Absentee: Heavy Runner, Tuss, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
NINTH LEGISLATIVE DAY - JANUARY 15, 1997

HB 33 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Heavy Runner, Tuss, Ayes.

Excused: None.
Total 0

Absent or not voting: Barnhart.
Total 1

MOTIONS

HB 87 - Representative Grinde moved HB 87 be referred back to the Committee on Taxation. Motion carried.

HB 217 - Representative Grinde moved HB 217 be taken from the Committee on State Administration and rereferred to the Long Range Planning Subcommittee. Motion carried.

HB 213 - Representative Grinde moved HB 213 be taken from the Committee on Taxation and rereferred to the Committee on Transportation. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 210: Representative Kitzenberg, Representative Masolo, Representative Devaney, Senator Eck, Senator Nelson, Senator Bartlett.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, January 16, 1997. Motion carried.

House adjourned at 1:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TENTH LEGISLATIVE DAY**

Helena, Montana
January 16, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Madame Speaker M. Hanson in the Chair. Invocation by Representative Masolo.
Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/16/97
Correctly printed for second reading: HB 29, HB 56, HB 117, HB 131, HB 165, HB 22, HB 32, HB 75, HB 143,
HB 144, HB 148.
Correctly engrossed for third reading: HB 81, HB 88.

APPROPRIATIONS (Zook, Chairman): 1/15/97
HB 110, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AUTHORIZING THE ISSUANCE OF LOANS"

Insert: "APPROPRIATING COAL SEVERANCE TAX TRUST FUNDS"

2. Title, line 6.

Strike: "TO BE APPROPRIATED"

3. Title, line 8.

Strike: ", INCLUDING A SUPPLEMENTAL LOAN FOR THE 1997 BIENNIUM"

4. Page 1, lines 14 and 15.

Following: "program" on line 14

Strike: remainder of line 14 through "and" on line 15

Strike: "(1)"

Strike: "authorized"

Insert: "appropriated"

5. Page 1, lines 16 through 22.

Following: "fund" on line 16

Strike: remainder of line 16 through "appropriated" on line 22

Insert: "\$5 million for the remainder of the current fiscal year and"

6. Page 1, lines 25 and 26.

Strike: subsection (3) in its entirety

Insert: "Any recovery in the litigation up to the amount appropriated in this section plus the amount of the loans
extended in [section 2] must be deposited in the coal severance tax permanent fund."

7. Page 2, lines 3 and 4.

Following: "on" on line 3

Strike: remainder of line 3 through "and" on line 4

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8. Page 2, line 10.

Following: "order"

Strike: remainder of line 10 in its entirety

9. Page 2, lines 16 and 17.

Following: "." on line 16

Strike: remainder of line 16 through line 17 in its entirety

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

1/16/97

HB 115, introduced bill, be amended as follows:

1. Title, line 10.

Strike: "39-51-1214,"

2. Title, line 11.

Strike: "39-51-2303,"

3. Page 13, lines 8 through 23.

Strike: section 7 in its entirety

Renumber: subsequent sections

4. Page 16, lines 5 through 13.

Strike: section 11 in its entirety

Renumber: subsequent sections

5. Page 16, line 21.

Strike: "an"

Insert: "any"

6. Page 17, line 3.

Following: "department"

Strike: " - "

7. Page 17, line 3.

Strike: "The"

Insert: ", with the"

8. Page 17, line 4.

Strike: "must"

Insert: "to"

9. Page 17, line 28.

Strike: "12"

Insert: "10"

And, as amended, do pass. Report adopted.

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HJR 3, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "pocket;"

Strike: "and"

2. Page 1, line 20.

Strike: "."

Insert: "; and"

3. Page 1, line 21.

Insert: "WHEREAS, certain consumers have no recourse other than to use drugs regulated by the federal Orphan Drug Act, and the prices of these drugs are not subject to market pressures."

And, as amended, do pass. Report adopted.

EDUCATION (Ellis, Chairman):

1/16/97

HB 25, introduced bill, do pass. Report adopted.

HB 28, introduced bill, be amended as follows:

1. Title, line 4.

Following: "INSTRUCTION"

Insert: "AND THE TRUSTEES OF A SCHOOL DISTRICT"

2. Title, line 6.

Strike: "FOR COMPARISON PURPOSES"

Insert: "TO INTERESTED PARTIES"

3. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "20-3-106"

Insert: "AND 20-3-324"

4. Page 3, line 19.

Strike: "for comparison purposes"

Insert: "to interested parties"

5. Page 3.

Following: line 24

Insert: "Section 2. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance

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personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and otherwise govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;

(8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;

(9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;

(10) establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;

(11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;

(12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;

(13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous federal programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, and interlocal cooperative agreement fund in accordance with the provisions of the other school funds parts of this title;

(14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;

(15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;

(16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;

(17) establish and maintain the instructional services of the schools of the district in accordance with the provisions of the instructional services, textbooks, vocational education, and special education parts of this title;

(18) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;

(19) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;

(20) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

(22) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(23) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled.

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This requirement is waived if the flags are not provided by a local civic group.

(24) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110; ~~and~~

(25) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education;
and

~~(25)~~(26) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction. ""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 77, introduced bill, be amended as follows:

1. Page 1, line 28.

Following: "instruction"

Insert: "by endeavoring"

2. Page 2, line 6.

Strike: "(3)"

Insert: "(4)"

3. Page 2, line 7.

Strike: "must be included in the curriculum and"

4. Page 2, line 8.

Following: "class"

Insert: ": (a)"

5. Page 2, line 9.

Following: "day"

Strike: ":"

Insert: "in kindergarten through grade 6; and

(b) of each school week in grades 7 through 12."

6. Page 2.

Following: line 9

Insert: "(3) The recitation must be conducted:"

7. Page 2, line 12.

Strike: "(3)"

Insert: "(4)"

8. Page 3, line 7.

Following: "including"

Insert: "any"

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Following: "flag"

Insert: "prescribed by the trustees"

And, as amended, do pass. Report adopted.

HB 104, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "20-5-316,"

2. Title, line 8.

Following: " ; "

Insert: "REPEALING SECTION 20-5-316, MCA ;"

3. Page 1, lines 13 through 24.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 4, line 3.

Strike: "or"

5. Page 4, line 4.

Following: "2"

Insert: " ; or (d) out-of-state placement by a state agency"

6. Page 8, line 20.

Strike: "and"

Insert: ". The state agency that makes an out-of-state placement of a child with disabilities is responsible for"

7. Page 9.

Following: line 14

Insert: "NEW SECTION. Section 7. Repealer. Section 20-5-316, MCA, is repealed."

And, as amended, do pass. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):

1/15/97

HB 20, introduced bill, be amended as follows:

1. Title, line 8.

Following: "FEES ;"

Insert: "AND"

2. Title, lines 8 and 9.

Following: "MCA" on line 8

Strike: remainder of line 8 through "DATE" on line 9

3. Page 1, line 18.

Following: first "license"

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Insert: "and length of time for which the license is effective"

Following: "set"

Strike: remainder of line 18 through "effective" on line 19

Insert: ": (a) at an amount that is less than the Class A resident fishing license; and

(b) at an amount and for a length of time that the commission determines will serve at a reasonable price the needs of residents who fish occasionally"

4. Page 2, line 29 through page 3, line 2.

Strike: section 4 in its entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/15/97

HB 141, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/16/97

HB 156, introduced bill, be amended as follows:

1. Title, line 5.

Following: the second "ACT"

Strike: "INCREASING"

Insert: "PROVIDING FOR A 2-YEAR INCREASE IN"

2. Title, line 6.

Following: "MCA;"

Strike: "AND"

3. Title, line 7

Following: "DATE"

Insert: "; AND PROVIDING A TERMINATION DATE"

4. Page 1.

Following: line 23

Insert: "NEW SECTION. Section 4. Termination. [This act] terminates June 30, 1999."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

1/15/97

HB 72, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "commerce"

Strike: "is"

Insert: "and the department of transportation are"

And, as amended, do pass. Report adopted.

HB 123, introduced bill, do pass. Report adopted.

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TRANSPORTATION (Anderson, Chairman):
HB 97, introduced bill, do pass. Report adopted.

1/15/97

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/15/97

SB 9, introduced by Holden
SB 35, introduced by Jenkins
SB 53, introduced by Hertel
SJR 1, introduced by Harp

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

HB 274, introduced by Vick, Marshall, Holland, Orr, Denny, Bookout-Reinicke, Ahner, Beaudry, Hayne, Sliter, Smith, Jore, Grinde, Rose, Bohlinger, Walters, Mills, Barnett, Arnott, Stovall, Prouse, Molnar, Wagner, Curtiss, Knox, DeBruycker, Kasten, Devaney, Anderson, Cobb, Ohs, Bitney, Boharski, referred to Committee on Taxation.
HB 275, introduced by Ewer, Marshall, Eck, Prouse, Boharski, Cobb, Barnett, Jore, Harper, Simon, Soft, Grimes, Peck, Arnott, referred to Committee on Business & Labor.
HB 276, introduced by Kottel, referred to Committee on Judiciary.
HB 277, introduced by Pavlovich, Lynch, Harrington, Quilici, Bowman Shea, referred to Committee on Taxation.
HB 278, introduced by Stovall, Ohs, Masolo, referred to Committee on Local Government.
HB 279, introduced by Dowell, Christiaens, Ellingson, Kottel, Tuss, referred to Committee on Select Corrections.
HB 280, introduced by Bohlinger, referred to Committee on Education.
HB 281, introduced by Ryan, Squires, referred to Committee on Business & Labor.

The following Senate bills were introduced, read first time, and referred to committees:

SB 9, introduced by Holden, referred to Committee on Transportation.
SB 35, introduced by Jenkins, (by request of the Legislative Finance Committee) referred to Committee on Appropriations.
SB 53, introduced by Hertel, (by request of the Department of Agriculture) referred to Committee on Agriculture.
SJR 1, introduced by Harp, (by request of the Joint Rules Committee) referred to Committee on Rules.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kasten in the Chair.

Madame Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 22 - Representative Kottel moved **HB 22** do pass. Motion carried as follows:

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Ayes: Ahner, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Anderson, Barnett, Boharski, Brainard, Feland, Grinde, Holland, Jore, Kasten, Keenan, Knox, McGee, Molnar, Rehbein, Sliter, Vick, Wagner, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: Simpkins.

Total 1

HB 32 - Representative Peck moved HB 32 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Adams, Jore.

Total 2

Excused: None.

Total 0

Absent or not voting: Simpkins.

Total 1

HB 75 - Representative Hagener moved HB 75 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt,

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Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Devaney, Orr, Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 143 - Representative Barnett moved HB 143 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Bankhead, Boharski, Bohlinger, Denny, R. Johnson, Jore, Prouse, Rehbein, Smith, Soft, Story, Wells.

Total 13

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 144 - Representative Simon moved HB 144 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

HB 148 - Representative Harrington moved HB 148 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Adams, Boharski.

Total 2

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

HB 118 - Representative Grady moved HB 118 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Cobb.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Madame Speaker in the Chair. Chairman Kasten moved that the Committee of the Whole report be adopted. Report adopted. (97-1)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 81 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 97

Noes: Boharski, Hurdle, Wyatt.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 88 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 18: Senator Hargrove, Senator Crippen, Representative Simpkins, Senator Holden, Representative Tropila, Representative Pavlovich, Representative DeBruycker, Representative Rose, Representative Hayne, Representative Kitzenberg.

The following sponsors were added to HB 95: Senator Nelson, Representative Peck, Representative Devaney, Representative Whitehead, Representative Hagener.

The following sponsors were added to HB 134: Representative Harrington, Representative Squires, Senator Hertel, Senator Bartlett, Senator Lynch, Senator Christiaens.

The following sponsors were added to HB 210: Representative Kitzenberg, Senator Eck, Representative Masolo, Representative Devaney, Senator Nelson, Senator Bartlett, Representative Harper.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 6:45 p.m. and that, following the joint session, the House adjourn until 1:00 p.m., Friday, January 17, 1997. Motion carried.

House recessed at 1:50 p.m.

SPECIAL ORDERS OF THE DAY

House reconvened at 6:45 p.m. Mr. Speaker in the chair.

Sergeant-at-Arms Skelton escorted the Senate into the House Chamber.

Speaker Mercer introduced President Aklestad and yielded the Chair to him.

Senator Harp moved the body resolve itself into a joint session for the purpose of receiving the State of the State Address from the Honorable Marc Racicot, Governor of the State of Montana. Motion carried.

Senator Harp moved President Aklestad be authorized to appoint a committee of four to notify the Governor that the House was in joint session and ready to receive his State of the State Address. Motion carried.

President Aklestad appointed Senators Christiaens and Gage and Representatives Hayne and Menahan and discharged them to escort the Governor to the House Chamber.

Sergeant-at-Arms Skelton escorted members of the Governor's official party into the House Chamber.

Major Kevin Collins and members of the Montana National Guard posted the colors. The Pledge of Allegiance to the Flag followed.

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Governor Marc Racicot was escorted to the rostrum by the escort committee.

Father John Darragh gave the Invocation.

After being presented to the members of both houses by President Aklestad, Governor Racicot delivered the following address:

**GOVERNOR MARC RACICOT'S
STATE OF THE STATE ADDRESS
TO THE 55TH LEGISLATIVE ASSEMBLY
JANUARY 16, 1997 -- 7:00 P.M.**

Thank you very much. President Aklestad. Speaker Mercer. Members of the Fifty-Fifth Legislature. Fellow elected officers. Mr. Chief Justice and the Honorable members of the Judiciary. Tribal leaders. Lieutenant Governor Martz. Friends and fellow Montanans. And my family. Good evening.

I want to thank Kryss Kuntz, our wonderful signer, for agreeing to have me do the spoken part of her State of the State Address here this evening.

By the grace of God and the People of Montana, it is my honor--and pleasure--to be back here with you in this magnificent chamber tonight where we celebrate together the continuation of our democracy. I am grateful to have the opportunity to discuss with you and the People of Montana where we have been, where I believe we ought to be going and what we ought to be doing to get there.

To that end, I intend to depart somewhat from tradition here tonight. I do not intend to provide a long list of accomplishments and a longer list of requests. We have been preparing our budget and legislative program for more than a year. And our elected citizen representatives have been gathered in this historic building now for less than two weeks. Our preparations largely speak for themselves, and there will be scheduled opportunities in coming weeks to discuss each of these plans and proposals, as well as your own, in the great detail they deserve.

We could discuss at length the many positive changes and accomplishments that our mutual efforts together have produced over the last two years. Sweeping, and by all accounts, successful welfare reform, a massive reorganization of the Executive branch, sound financial management, tax relief totaling almost \$70 million and the largest infrastructure and highway repair program in our history are a few that come to mind.

There most certainly have been instances of frustration where progress or reform may not have been as rapid or expansive as each of us might have desired. But that is the nature of democracy. And viewed in retrospect, there is a remarkable collective record of achievement. That should greatly inspire all of us to enthusiastically continue our diligent--and I must add patient--efforts to shape and remake a way of life that enriches the legacy we received from our ancestors.

I could recount many success stories I have watched unfold as a product of your service and hard work. There were the very visible and welcome improvements in our Workers' Compensation system, which was losing \$200,000 every day for almost 13 years before you charted a new course. Our new welfare initiative, Families Achieving Independence in Montana, will handle caseloads in the next biennium projected to be 30 percent below the 1995 high. That drop translates to a \$9.9 million biennial reduction in the Executive Budget. And those savings occur without reducing grant levels, which remain among the average of most western states.

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I must admit being tempted to continue this litany. I am tempted because I think everyone involved--legislators, other elected officials, state employees and our fellow citizens--should be immensely proud of their efforts. They should take heart--and you should take heart--in the notion that we CAN accomplish whatever we set our minds to. As Yogi Berra is said to have said, "Ninety percent of this game is half mental."

But we could not begin to discuss all of the details of our joint progress, nor the complexities and ramifications of a new 1,000-page budget and hundreds of important bills even if we stayed here all night, which I assume most of us would rather not do.

Better, I believe, to invest this brief time together after two years to discuss relatively briefly a new, general direction I think our state should be moving in and some of the steps I recommend we take together to get there.

We start with the articulation of a premise that I think most Montanans already sense lurking in the back of their minds: Everything is changing. Nothing seems to stay the same anymore. As Bill Gates, the computer genius, puts it: "Everything is in a state of flux, including the status quo."

This change touches virtually all aspects of life and everything we do in this country and in this state. There are new forms everywhere, new numbers, new programs for our computers, new faces in our neighborhoods and stores. One day a report says some food causes heart disease; the next day the same food is harmless. Recent callers to Chicago and elsewhere discover there is a new area code for an old city overnight.

Jobs that people thought would be there forever are gone the next morning. We even see that today's criminals and the crimes they commit have changed, often into an awful, senseless, unspeakable kind of violence and often committed by those we once thought of as imbued with innocence and incapable of such depravity, our young people.

And these changes seem to come at us more rapidly too, like the snowflakes we see at night now coming at us in the high beams of our pickups and cars. The pace of life and its changing demands seem to move more quickly all the time. We may not feel in control.

The accumulation of such changes, large and little, over time has created a disconcerting sense of social unease among many, a restlessness and lack of inner peace, a fear about the direction of change, the randomness of crime and the seeming unpredictability of life. And, also, perhaps this unease produces a generalized suspicion and resentment often aimed at strangers or large institutions.

A major constant in life is now uncertainty. What we have or had is familiar. What's coming is unknown--and it might not be good. This uncertainty and fear can seriously corrode our innate sense of hope and optimism.

Of course, change is not new in America or Montana. Because it is so seared into my memory and life experience, I often recall the story of my grandfather, who was a very good logging camp cook near Libby. One day huge logging trucks came to the lumber industry. As a result, isolated logging camps were no longer needed. And so, neither were my grandfather's skills as a logging camp cook. Many Montanans--too many--have had this same experience over the decades.

My grandfather's method of protesting the loss of his job to such change was to never learn to drive.....Grandpa's protest did little, in fact, to improve the life of his family or alter the course of human history.

But there is a lesson in this for me that I will never forget. Change is coming. Change is coming quickly. And if we do not adapt to it, if we do not think to see it coming and plan accordingly, if we do not seek to take

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advantage of the opportunities presented by change, then we all, across Montana, will once again lie down on the tracks of economic and social development and let the train of destiny run over us.

We will, like my grandfather in Libby, forever consign ourselves to seeking rides from others who do have a license to drive, and who DO see change as an opportunity.

Instead of fearing change, I say: The world is changing--thank goodness.

We need no longer be confined by geographic and economic isolation because we are big, far and wide--if we invest in, say, fiber optics, training, telecommunications and technology that leaps around the world in the time it takes to push the ENTER button on a keyboard.

We need no longer be the predictable hostages of unpredictable world prices for ores, woods, grains, livestock--if we invest in, say, our local infrastructure sufficiently to attract investments in processing these resources and manufacturing products right here in Montana. And we can encourage saving for our community's future through endowed philanthropy, which I hope you will favorably consider. Montanans need no longer be infected with that familiar virus of fatalism that sadly corrodes hope and limits expectations.

Change has freed us from the old ways of taking merely the economic crumbs that fall from the national table elsewhere. Fate need no longer be our master. The choice now can be ours, if we are bold and imaginative and as courageous and tough as those ancestors of yours and mine who first came here and succeeded because they endured. Enduring in Montana back then was a colossal accomplishment.

Enduring in Montana today means falling behind. We could give up--and probably get by, too. But that would not seize the moment of opportunity. That would virtually abandon any hope of building our own future, and that of our children, on our own terms. We want a Montana where they--and we--can choose the jobs we want to support our families and the landscape we want to inhabit.

But that kind of positive future packed with opportunity will not happen by chance. I guarantee you. It will take planning and hard work--and a willingness to see things differently and to try things differently.

I believe we ought not to fear failing from trying....We ought instead to fear failing to try.

My assignment tonight is to provide one humble opinion about the State of the State. The state of the state is and has been improving. But the state of the state is not yet as great as it can be, though I believe in the very depths of my soul we can make it great together.

Can you imagine the future within our reach? It's very exciting. I know many Montanans can see this future. But they also know we cannot get there individually. It must be a collective enterprise, like a statewide barn-raising or the community-wide sand-bagging we see so routinely in Montana when an impending natural disaster forces us to set aside the very few things we disagree about and concentrate on a mutual objective of building something positive and protective--together. People still need each other in this world. A beauty of life in Montana is that we still know we need each other in this world.

Four years ago tonight Montana faced a financial calamity in the form of a projected \$200 million General Fund deficit, and a Workers' Compensation system on the brink of bankruptcy with premiums rising regularly. Working together--legislators, the Executive branch, Democrats-Republicans, workers-employers, all kinds of Montanans--we not only eliminated that government deficit, we produced a surplus, which was returned to the people who sent us here.

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And, working together, the recovery of our Workers' Compensation system is almost complete. We will propose some more reforms this session. But our Workers' Comp system is now one of the nation's lower cost systems and has reduced premiums an average of 36 percent over the last 18 months.

Our economy is growing at a healthy, steady pace; Montana's private sector creates one new job about every hour, around the clock, and unemployment rates in recent months have dropped to the level of the 1970s. Montana's state government has successfully completed one of the largest government reorganizations in our state's history. Our books are in order and Montana enjoys some of the highest financial ratings possible.

Additionally, we have launched a far-reaching infrastructure and highway improvement program to mend many of the postponed maintenance problems of yesteryear. This is a mammoth undertaking, one that continues in our Executive Budget, one that will take years to complete.

But we know the state of the state can be better. What can we do to elevate Montana up the ladder of economic expectations and achievements?

We believe we can make a major step forward through a program we call "Today and Tomorrow"--"Today" because it would take a portion of coal severance taxes from today's production and invest them--all of them, every single penny--within Montana, securing an even higher return for the citizens of "Tomorrow". Currently, those taxes--about \$20 million per year--flow into a savings account that already totals almost \$600 million. It is invested in various forms of financial instruments, more than 80 percent of which do not involve Montana. The income goes into the General Fund to pay for various programs.

For 20 years Today and Tomorrow would instead invest that new \$20 million annually in projects, all in Montana, at today's lower prices, that would produce an economic benefit far in excess of any interest earned from going into a savings account. Today and Tomorrow's investments would create Montana jobs today building infrastructure improvements and research and development projects that would help create a stronger Montana economy and culture tomorrow.

Today and Tomorrow investments would generate more than 3,400 jobs every year building new water and sewage plants and bridges, repairing or replacing old schools, adding computers to schools, strengthening university research and development, rescuing historic sites and properties such as Virginia City and conserving undeveloped land and open rural spaces so future generations can enjoy the same inspiring shoulder room we have sometimes taken for granted.

These \$20 million can also be leveraged with matching federal and private money and, we estimate, could actually total more than \$100 million each year. Think for a moment what that much money can do for our future--at today's prices.

And think about the open spaces of rural land that we see every day surrounding our communities. Everything in Montana begins with the land. We must never forget that. The land was here before any of us. And it will still be here long after all of us are gone. But what we do--or don't do--with the land during this brief stewardship can be our living legacy to our children and theirs. That's why we included land stewardship in the Today and Tomorrow program, a program for the state to buy easements on private lands--again, at today's prices--to keep them forever open, productive and clean.

I do not--we do not--want to wake up some years down the road and see what has happened to this land because we did not have the courage to confront the issue in 1997, because it really did not seem painful enough back then. Look around at other popular states and see if you think conditions there improved by not planning ahead.

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True, Today and Tomorrow is a bold program. It would involve change, changing for 20 years the way we invest those coal tax funds. It will require a three-quarters vote of these legislative bodies, clearly a high standard. Some have predicted it will fail, as some things always do. Although I will make no predictions, I hope for and expect the best, because I truly believe it is good for Montana--today and tomorrow. It is time to try.

"There is," as General George Patton once said, "a time to take counsel of your fears and there is a time to never listen to any fear." I think the time is right and the opportunity for such change is here, and I believe a significantly large majority of Montanans agree. I fervently hope they make themselves heard in coming days. And I exhort you to listen to them, seek their guidance, follow their will. We cannot be afraid to set sail for a new world.

And while we are discussing our state's physical infrastructure, let us also address its social infrastructure. We propose to address, finally, the long-delayed or ignored problems of the past in our corrections system. In fact, we have more than a 100-year history, predating our statehood, of inadequately addressing the corrections issue and then deflecting responsibility for the system's difficulties.

Listen to this history. It may sound dreadfully and painfully familiar: When the Montana Territory was created in 1864, it had no prison. Three years later Congress had a design for a \$100,000 prison; it appropriated barely 40 percent of the actual cost--only \$40,000.

Three years later the territorial prison opened a 14-cell facility. Twenty-eight days after the first inmates arrived, the prison was overcrowded. Within 60 months, 80 prisoners were sharing 28 cells.

Ninety days after becoming a state, Montana's prison board concluded it could not operate nor renovate the prison and opted to "privatize" the entire prison operation for 70 cents per prisoner per day.

In 1911, the prison had 474 cells--but 650 inmates. By 1931 we had 721 prisoners and a special legislative committee declared the crumbling old blockhouse a public disgrace. Still, that blockhouse stayed in operation another 28 years.

In 1958, the Legislative Council called for a new prison with a capacity of 950 inmates. A generation later, in 1977, a new prison was actually built to accommodate 334 inmates, only 35 percent of the capacity recommended 19 years before.

The current prison facility is designed to house 850 inmates. It currently houses 1,313.

Another 100 prisoners are waiting in county jails and another 250 are in Texas. We project about 3,000 total prisoners by the year 2000. As you can see, the pattern has continued.

What this condensed historical chronology reveals is our society's effective and consistent inattention to an ongoing problem for more than a century. There has been a lack of financial and political commitment to make it function properly and an overabundance of inattention until something serious goes wrong.

Then great surprise and public dismay are expressed, usually aimed in the direction of corrections professionals who had been warning of impending difficulties managing a seriously-strained system cobbled together with baling twine and Band-Aids.

As history has repeated itself, repeatedly, the process of denying the message and condemning the messenger is thereafter followed by an intense, although brief, period of apparently serious inquiry and a new round of profound proposals which are soon doubted, diluted, delayed or deserted.

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And the sad cycle begins all over again.

As Governor, I am responsible for our corrections system; that is unmistakably clear. The buck stops here and I intend to do everything I can or know how to do to interrupt and to terminate that insidious cycle with a modernization program to meet the needs of today, not those of a generation ago.

That does not mean that we should rely upon a corrections approach that ignores prevention, rehabilitation and diversion. Some people suggest we must turn to prevention as a criminal justice strategy. I say, we already have. We never abandoned prevention.

Indeed, already, for every single inmate inside our prison there are three more diverted outside to probation, parole or community-based incarceration--more than fifty-one hundred by the end of fiscal year 1996. And that figure is estimated to jump to nearly 6,000 in the next 30 months.

Other prevention efforts have involved substantial investments--millions of dollars worth--made in programs to identify and deal with societal risk factors that increase the probability of criminal activity among the young: Medicaid Outreach, MIAMI, Women, Infants and Children Nutrition Programs, expanded child care, Family Preservation Services, Youth Alcohol and Drug Treatment, Permanency Planning, Montana Youth Alternatives, DARE, and the Out-of-Home Placement program.

Your commitment to prevention has not only reduced costs, it has prevented unreckoned human tragedy. The Family Preservation Services program has worked to stabilize and strengthen at-risk families while simultaneously decreasing out-of-home placement of children as well as combating child abuse and neglect. Your increased investment in quality day care--and that's what it is, an investment--is and will remain an extremely important part of our welfare reforms, affecting as it does some 5,000 Montana children.

Your endorsement of our permanency program has allowed us to develop permanent placements for children, reducing the numbers of foster care children. And we are proposing important new reforms to facilitate adoptions and properly place children in permanent, loving homes.

As further evidence of our commitment to prevention, the Executive Budget proposes significant increases in prevention services, including new efforts focused on teen pregnancy prevention, targeted case management for children at risk and \$5.4 million in community grants for prevention, treatment and juvenile placements.

In the adult corrections system since 1993 our community corrections capacity has grown by 50 percent and probation and parole staff increased approximately 40 percent. Our Executive Budget recommends further significant increases for both community corrections and probation and parole.

Yes, there are costs--sometimes large costs--associated with properly building and funding a modern corrections system. Our plan proposes adding 1,400 prison spaces by the end of fiscal year 2001. Let me point out too there are also costs to NOT properly building and funding a modern corrections system.

There may be room for debate over details of a strategic plan; no one in our Administration has ever said take everything or leave it all. But there is no room for debate over protecting the basic personal security of our citizens. That is one of the most fundamental obligations of government. And as a former prosecutor who too often witnessed up close the ravages of crime on the lives of victims and their loved ones, I take that obligation to provide security extremely seriously.

As we discuss this important issue, let us also strive to keep things in perspective. Probably any inmates are too

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many for a perfect society. But while our total inmate population of about 2,000 seems like a lot--and it is--for Montana, that number is barely five weeks' worth of newcomers into the Florida prison system, which has a total of 64,000.

For the most recent year's figures available, Montana has the fourth smallest prison population of any state. We even rank below South Dakota, which has 100,000 fewer people.

Let us remember too that while we do have a total of 7,600 individuals involved in our correctional system--from community corrections through Death Row--that also means that we have 872,400 law-abiding citizens in our state, people who are not involved with our corrections system. Those people have rights, too; those are the people we are working for and working to protect.

Theresa and I have been blessed with being the parents of five children, each unique and each loved beyond measure. Like you, we have dedicated our time, our talents and our treasure to our children with every ounce of effort and resource we can muster. We have not done so perfectly, as I'm sure they may recall, but we have tried diligently to teach them what they need to know to have a chance to be peaceful and productive people.

Each of them has progressed through our public school system and three have gone on to college and graduate school, both public and private, with two remaining to follow. Collectively, their teachers may have spent more waking moments with our children than anyone else and, as parents, we will be forever grateful for the care, counsel and knowledge shared by those skilled professionals. Teaching--there is no more noble endeavor anywhere on this planet. And we, along with all Montana parents, would like to thank our teachers and all who help prepare our children for life.

As the education of our children properly dominates the lives of our families, it rightfully dominates our General Fund budget. The Executive Budget proposes increases for larger enrollments in our schools and higher education system. But, in addition, in order to keep pace and comply with our constitutional obligation to equalize educational opportunity, per-student allocations are increased as are those for teacher retirement, school construction and transportation.

Importantly, investments in technology and distance-learning are recommended for both schools and higher education as well as funding for the accountable school improvement project. Montana has expended relatively few resources to measure the performance of public education from classroom to classroom and school to school. Without a school "report card" it is difficult for parents, teachers, administrators, trustees or legislators to make key decisions and evaluations about the state of our public schools. The school improvement project responds to this need.

Parenthetically, let me add that each of the recommendations in the Executive Budget, including and most especially those that involve education, have been carefully reviewed and refined. Not one requests anything that would just be nice to have. We ask only for what is essential.

We must continue the continuous struggle for tax reform. Our Executive Budget provides \$65 million in new and ongoing business equipment tax reductions and another \$70 million in property tax relief.

Clearly, the property tax situation has urgently seized our immediate attention and will not escape remediation. But it should not escape our attention either that what we are presently experiencing, again, with our property tax system is further confirmation of the necessity for comprehensive tax reform. Now I have learned many profound and humbling lessons in my temporary stewardship of this office. None, perhaps, were more profound or more humbling than those associated with tax reform.

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We will come to grips with the projected and unacceptable property tax increases. And the solution will last for a while, at least until the next time the Legislature convenes. But even if we achieve every measure of success with one or a combination of the proposals we have discussed, we will not strike at the roots of the problem. We will hack at the branches once again and await the next emergency call to action.

Our taxation system was designed during the Industrial Age with an almost exclusive emphasis on tangible assets. We are living now in the Information Age when markets and assets move electronically around the world at the speed of light and many of our most valuable assets are intangible--our air, our scenery, our safety, our civility and our way of life. Yet our tax system reflects little, if any, of these new realities. We have a Model T tax system in a microchip world.

Additionally, our state's diversity is wonderful to look at, to taste, to learn about, to live in and among. But our diversity is a positively awful place in which to equitably reform taxes. One area's relief is another's burden. And vice versa.

In spite of the travail, I cannot let go of this issue. The unfairness and inefficiency of our tax system toward the people who live here constantly gnaws at the core of my soul. There are each year in our state nearly ten times as many visitors as there are permanent residents--about eight million visitors and about 880,000 Montanans.

These visitors may sometimes drive too quickly for our tastes. But they also bring many positive benefits. They help remind us by their compliments and their appreciation what a spectacular corner of God's good earth we share here. And, not least, they economically support some 60,000 jobs with a total economic benefit of \$1.2 billion. And we are delighted to see figures indicating that our strategy to steer visitors to the under-utilized areas of Montana, particularly in the east, is succeeding so well.

Tourism, as you know, has become our Number 2 industry, still far behind agriculture. The facts are: Montanans, because of our relatively few numbers and our relatively large size are asked to support a massive infrastructure. We have, for instance, more miles of highway per person than 47 other states.

In our continued diligence to make our tax system fair for Montanans, we must somehow find a way to allow these visitors to shoulder their fair share of the costs of their presence in and use of the Big Sky Country and its facilities. During their stay they do pay their accommodations tax and some portion of gas taxes, as resident Montanans do daily.

But under our current tax system, nine out of ten people in Montana this year do not pay their fair share for the use of our most valuable resources. Those nine are visitors. Out of fairness, the rest of us should change that.

I want to make it perfectly clear that I am ready to work in good faith with the Legislature and other interested Montanans to fashion a comprehensive tax reform proposal that uses all of the revenue generated by a constitutionally capped sales tax to reduce the escalating property taxes our fellow citizens disdain. The sooner we make that decision the better we will be.

I travel around this huge state an awful lot--many thousands of miles in these first four years, and many thousands more miles in my years as a prosecutor before that. Traveling Montana is a rich blessing, even with the icy roads. I've even become familiar with certain bumps in the same places every year.

Late on those long nights when the stars are so bright they make midnight shadows, I have often thought that the only time we get in trouble over disagreements in Montana is when we really have not been listening fully to each other. It occurs to me that 98 percent of all Montanans probably agree on about 98 percent of anything they are

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discussing.

Human beings, especially human beings in an age of instant communications, have an intriguing fascination with conflict. Conflict, even superficial conflict, is an integral part of our drama, our literature, our entertainment, our news. In fact, the surest way to be ignored today is to have a quiet conversation or a unanimous vote...

In our wonderful eagerness to improve things and to find and debate better ways with our Made in Montana candor, let none of us ever forget that 100 percent of the conflict really concerns only two percent of the issues. That really is true.

The old ways of winners and losers in public service will no longer work, if it ever did. We need each other too much and there is too much to be done to waste even one ounce of energy on such old-fashioned ways. We should instead appreciate even more the divergent views of our diverse regions and peoples, realizing that such variety merely reflects the overpowering natural diversity of this wondrous landscape where God, family and even chance have brought us together as temporary stewards.

Let us not build walls between us. Let us instead develop strong new habits of the heart to build bridges among us so that we can not only come to understand each other better but come to work with each other better.

Five years ago, minus a few days, in another room in this hallowed building I announced our candidacy for Governor by promising--and I quote--"If elected, we will serve with honor and strive to instill, by example, a respect for the simple values of honesty, integrity, ethical behavior, common decency and personal regard for every person."

We have tried to live up to that promise. Tonight I repeat that vow. And I know Judy joins me.

May God bless Montana as we seek, together, to build a new future on this vast landscape. May God bless our elected legislators as they work, together, to focus their collective citizen attentions, imaginations, diversities and dedications on the issues before them. And may God bless us all, each and every one, for our shared time together in--and our shared love of--this truly special corner of our truly wondrous land.

Thank you. And good night.

President Aklestad surprised Governor Racicot with a visitor from his hometown of Libby, Montana. Four-year-old Ezra Dolezal sang a heartwarming rendition of the Star Spangled Banner to the Governor and House Chamber.

Father Darragh gave the Benediction, and Governor Racicot was escorted from the House Chamber by the escort committee.

Sergeants-at-Arms Skelton and Cramer escorted the distinguished guests from the House Chamber.

Senator Harp moved the joint session be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

House adjourned at 7:55 p.m.

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John Mercer, Speaker

Marilyn Miller, Chief Clerk

Dear Sir,
Enclosed for you are
the following documents.

These documents are
the result of a study made

by the committee on the
subject of the proposed

amendment to the
constitution of the
United States.

We have tried to put up in this pamphlet

the facts which are in dispute. We have
also tried to show the reasons why we
think the amendment is necessary.

Very truly yours,
The Committee on the Constitution

and the House of Representatives

Washington, D. C.

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**HOUSE JOURNAL
ELEVENTH LEGISLATIVE DAY**

Helena, Montana
January 17, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Madame Speaker M. Hanson in the Chair. Invocation by Representative Vick. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bergsagel, Harrington, Simpkins, Marshall, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/17/97
Correctly printed for second reading: HB 20, HB 25, HB 28, HB 72, HB 77, HB 97, HB 104, HB 110, HB 115, HB 123, HB 141, HB 156, HJR 3.
Correctly engrossed for third reading: HB 22, HB 32, HB 75, HB 118, HB 143, HB 144, HB 148.

FISH, WILDLIFE, & PARKS (Wagner, Chairman): 1/17/97
HB 151, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 1/16/97
HB 38, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "MAKING THE"
Insert: "PROVIDING A CRIMINAL"
Strike: "PROVIDING"
Insert: "THE SALE OR DISTRIBUTION BY A PERSON WHO IS NOT A LICENSEE OR AN EMPLOYEE OF A LICENSEE OF"
2. Title, line 5.
Strike: "AN UNDERAGE"
Insert: "A"
Following: "PERSON"
Insert: "UNDER 18 YEARS OF AGE"
Strike: "THE SAME" through "BEVERAGE"
3. Title, line 6.
Strike: "TO AN UNDERAGE PERSON"
4. Page 1, line 12.
Strike: "purposely"
5. Page 1, line 13.
Strike: "Violation of this"
Insert: "(2) Purposeful violation of"
Following: "subsection"
Insert: "(1) by a person who is not a licensee or an employee of a licensee"
Renumber: subsequent subsection

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6. Page 1, line 25.

Strike: "person"

Insert: "licensee"

Following: "~~16-11-305(1) or~~"

Insert: "16-11-305(1) or"

7. Page 2, line 8.

Strike: "person"

Insert: "licensee"

8. Page 2, line 21.

Following: "~~16-11-305(1) or~~"

Insert: "16-11-305(1) or"

Following: "16-11-307"

Insert: "in an establishment"

9. Page 3, line 7.

Following: "~~this section~~"

Insert: "16-11-305(1) or"

Following: "16-11-307"

Insert: "in an establishment"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):
HB 19, introduced bill, do pass. Report adopted.

1/16/97

HB 85, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/16/97

SB 1, introduced by Grosfield

SB 30, introduced by Lynch

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 282, introduced by Anderson, Grosfield, referred to Committee on Education.

HB 283, introduced by Swanson, Story, Swysgood, Grosfield, referred to Committee on Natural Resources.

HB 284, introduced by Ohs, Knox, Curtiss, Raney, Harper, Tash, Mercer, Beaudry, Holland, Swysgood, referred to Committee on Natural Resources.

HB 285, introduced by Sliter, Mercer, DePratu, Bitney, Lawson, Dowell, Wagner, Taylor, Mohl, Baer, referred to Committee on Natural Resources.

HB 286, introduced by Squires, Simpson, Bowman Shea, Halligan, Wilson, referred to Committee on Business &

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Labor.

HB 287, introduced by Wiseman, R. Johnson, Ewer, referred to Committee on Business & Labor.

HB 288, introduced by Ohs, Rehbein, Beaudry, Knox, Tash, Wagner, Grimes, Cole, referred to Committee on Natural Resources.

HB 289, introduced by Pavlovich, Quilici, Harrington, Beck, Tropila, Rose, Menahan, Marshall, Galvin, Peck, Squires, Sliter, Tuss, Ohs, Cocchiarella, Mills, Wyatt, Ryan, Gage, Hibbard, Devaney, McCulloch, Lynch, Beaudry, Halligan, Bowman Shea, Hayne, J. Johnson, McCarthy, Devlin, Simpson, Barnett, Grady, referred to Committee on Fish, Wildlife, & Parks.

HB 290, introduced by Harper, Bohlinger, Ohs, DeBruycker, Molnar, McGee, Squires, referred to Committee on Transportation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by Grosfield, Knox, referred to Committee on Natural Resources.

SB 30, introduced by Lynch, (by request of the Legislative Council) referred to Committee on State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Story in the Chair.

Madame Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 25 - Representative Ewer moved HB 25 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: Adams, Jore.

Total 2

Voted Absentee: Bergsagel, Harrington, Marshall, Simpkins, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 29 - Representative Bohlinger moved HB 29 do pass.

Representative Molnar moved HB 29, second reading copy, be amended as follows (amendment #1):

1. Page 1, lines 17 & 20.

Following: "purposely"

Strike: "or"

Insert: "and"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Barnhart, Cocchiarella, Gillan, Grimes, Hurdle, R. Johnson, Kottel, McCulloch, Peck, Ream, Swanson, Tropila, Tuss, Wyatt.

Total 14

Excused: Bergsagel, Harrington, Marshall, Simpkins.

Total 4

Absent or not voting: None.

Total 0

Motion to pass HB 29, as amended, carried as follows:

Ayes: Anderson, Bankhead, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Ahner, Arnott, Barnett, Beaudry, Bitney, Brainard, Clark, Cobb, Curtiss, DeBruycker, Ellis, Feland, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Walters, Wells.

Total 25

Voted Absentee: Bergsagel, Harrington, Marshall, Simpkins, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 56 - Representative R. Johnson moved HB 56 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bergsagel, Harrington, Marshall, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

HB 97 - Representative Devaney moved HB 97 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Ohs.

Total 1

Voted Absentee: Bergsagel, Harrington, Marshall, Ayes.

Excused: Simpkins.

Total 1

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Absent or not voting: None.

Total 0

HB 117 - Representative Pavlovich moved HB 117 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Hurdle.

Total 1

Voted Absentee: Bergsagel, Harrington, Marshall, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: Grinde.

Total 1

HB 123 - Representative Grinde moved consideration of HB 123 be passed for the day. Motion carried.

HB 131 - Representative Simon moved HB 131 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Brainard, DeBruycker, Denny, Jore, Rehbein, Wagner.

Total 7

Voted Absentee: Bergsagel, Harrington, Marshall, Ayes.

Excused: Simpkins.

Total 1

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Absent or not voting: Ohs.

Total 1

HB 141 - Representative Keenan moved HB 141 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker.

Total 1

Voted Absentee: Bergsagel, Harrington, Marshall, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: Menahan.

Total 1

HB 165 - Representative Tuss moved HB 165 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Brainard, DeBruycker, Jore, Smith, Wagner.

Total 6

Voted Absentee: Bergsagel, Harrington, Marshall, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: Beaudry, Grinde.

Total 2

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SJR 1 - Representative Grinde moved SJR 1 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Cobb, DeBruycker, Tuss, Vick, Wyatt.

Total 6

Voted Absentee: Bergsagel, Harrington, Marshall, Simpkins, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Madame Speaker in the Chair. Chairman Story moved that the Committee of the Whole report be adopted. Report adopted. (92-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 22 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Barnett, Boharski, Holland, Jore, Kasten, Keenan, Knox, McGee, Molnar, Rehbein, Sliter, Vick, Wagner, Wells.

Total 15

Voted Absentee: Bergsagel, Harrington, Marshall, Menahan, Ayes; Rehbein, No.

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Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

HB 32 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Jore.

Total 2

Voted Absentee: Harrington, Marshall, Menahan, Rehbein, Ayes.

Excused: Bergsagel, Simpkins.

Total 2

Absent or not voting: Bergman, H.S. Hanson, Trexler.

Total 3

HB 75 passed as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Devaney, Orr, Smith.

Total 4

Voted Absentee: Bergsagel, Harrington, Marshall, Menahan, Rehbein, Ayes.

Excused: Simpkins.

Total 1

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Absent or not voting: Anderson.

Total 1

HB 143 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bankhead, Boharski, Brainard, Denny, Jore, Keenan, Prouse, Rehbein, Smith, Story, Vick, Wells.

Total 12

Voted Absentee: Bergsagel, Harrington, Marshall, Menahan, Ayes; Rehbein, No.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

HB 144 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Adams.

Total 1

Voted Absentee: Bergsagel, Harrington, Marshall, Menahan, Rehbein, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

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HB 148 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Adams, Boharski.

Total 2

Voted Absentee: Bergsagel, Harrington, Marshall, Menahan, Rehbein, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

HB 118 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bergsagel, Harrington, Marshall, Menahan, Rehbein, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: None/

Total 0

MOTIONS

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HB 29 - Representative Tuss moved she be allowed to record her vote on HB 29, second reading, as aye. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 196: Representative Peck, Senator Benedict, Senator Waterman.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 18, 1997. Motion carried.

House adjourned at 2:26 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWELFTH LEGISLATIVE DAY**

Helena, Montana
January 18, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Ahner. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Simpkins, Marshall, Rehbein, Heavy Runner, Swanson, Ellingson, Harrington, Prouse, Grady, McGee, Molnar, Arnott, Ryan, McCann, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/18/97
Correctly printed for second reading: HB 38, HB 151, HB 85, HB 19.
Correctly engrossed for third reading: HB 29, HB 25, HB 117, HB 97, HB 56, HB 131, HB 141, HB 165, SJR 1.

BUSINESS & LABOR (Simon, Chairman): 1/17/97
HB 207, introduced bill, be amended as follows:

1. Page 2, line 28.
Following: "deaf"
Insert: "and blind"

2. Page 5, line 5.
Following: "that"
Strike: ", if feasible,"

And, as amended, do pass. Report adopted.

SB 18, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman): 1/17/97
HB 86, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: "."
Insert: "The department shall periodically transfer from the highway revenue account in the state special revenue fund to the general fund an amount equal to the allowable credit provided for in this section, as determined by the department of revenue."

2. Page 1, line 26.
Following: "."
Insert: "The department shall periodically transfer from the highway revenue account in the state special revenue fund to the general fund an amount equal to the allowable credit provided for in this section, as determined by the department of revenue."

3. Page 2, line 5.
Following: "dividing gross"

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Insert: "agricultural"

4. Page 7, line 9.

Strike: "farm"

Insert: "agricultural"

5. Page 8, line 7.

Strike: "All"

Insert: "Except for the agricultural standard deduction refund, all"

6. Page 9, line 6.

Following: "gross"

Insert: "agricultural"

7. Page 13, line 15.

Following: "storage"

Insert: ", as well as all fuels purchased at service stations or received from other sources"

8. Page 13, line 27.

Following: "."

Insert: "To ensure that the applicant's use qualifies as agricultural use, the department may request from the department of revenue information on the ratio of the applicant's gross agricultural income to total gross income, if the department gives notice to the applicant."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/17/97

SB 2, introduced by Holden

SB 12, introduced by Swysgood

SB 27, introduced by Keating

SB 36, introduced by Lynch

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 291, introduced by Devaney, Kitzenberg, referred to Committee on Local Government.

HB 292, introduced by Grady, Clark, Beck, Cole, referred to Committee on Judiciary.

HB 293, introduced by Orr, referred to Committee on Natural Resources.

HB 294, introduced by Cobb, referred to Committee on Taxation.

HB 295, introduced by Raney, Grosfield, Swanson, Peck, Tash, Ewer, Zook, Stovall, Cobb, Dowell, Burnett, R. Johnson, Tropila, Bohlinger, Ryan, Mesaros, Halligan, referred to Committee on Taxation.

HJR 6, introduced by Heavy Runner, Masolo, Smith, Hagener, Schmidt, Kottel, Ahner, Gillan, McCulloch, Cocchiarella, Wyatt, Ellingson, Tuss, Sands, Dowell, Ryan, Estrada, McCarthy, Eck, Franklin, Squires, Hayne,

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Bowman Shea, Simpson, Barnhart, Pease, referred to Committee on State Administration.

The following Senate bills were introduced, read first time, and referred to committees:

SB 2, introduced by Holden, referred to Committee on Select Corrections.

SB 12, introduced by Swysgood, (by request of the Department of Transportation) referred to Committee on Transportation.

SB 27, introduced by Keating, referred to Committee on Local Government.

SB 36, introduced by Lynch, (by request of the Code Commissioner) referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harper in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 19 - Representative Pavlovich moved HB 19 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Jore, Kasten, Rehbein, Story, Vick.

Total 5

Voted Absentee: Arnott, Ellingson, Grady, Harrington, Heavy Runner, Marshall, McCann, McGee, Molnar, Prouse, Ryan, Simpkins, Swanson, Ayes; Rehbein, No.

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

HB 72 - Representative Quilici moved HB 72 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M.

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Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Arnott, Ellingson, Grady, Harrington, Heavy Runner, Marshall, McCann, McGee, Molnar, Prouse, Rehbein, Ryan, Simpkins, Swanson, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 3 - Representative DeBruycker moved HJR 3 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Boharski, Kottel, Rehbein.
Total 3

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, Marshall, McCann, McGee, Molnar, Ryan, Simpkins, Swanson, Ayes; Rehbein, No.

Excused: Grady, Prouse.
Total 2

Absent or not voting: H.S. Hanson, Simpson.
Total 2

HB 115 - Representative Grimes moved HB 115 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Gillan, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R.

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Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Boharski, Brainard, DeBruycker, Denny, Feland, Galvin, Grinde, Hagener, Jore, Keenan, Vick, Whitehead.

Total 13

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, Marshall, McCann, McGee, Molnar, Prouse, Rehbein, Ryan, Simpkins, Swanson, Ayes.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

HB 104 - Representative Hagener moved consideration of HB 104 be passed for the day. Motion carried.

Representative Schmidt assumed the Chair at this time.

HB 85 - Representative Harper moved HB 85 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Rehbein.

Total 1

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, Marshall, McCann, McGee, Molnar, Prouse, Ryan, Simpkins, Swanson, Ayes; Rehbein, No.

Excused: Grady.

Total 1

Absent or not voting: Schmidt.

Total 1

Representative Harper resumed the Chair at this time.

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HB 28 - Representative Rose moved HB 28 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Curtiss, Feland, Galvin, Orr, Tuss, Wyatt.

Total 6

Voted Absentee: Arnott, Ellingson, Grady, Harrington, Heavy Runner, Marshall, McCann, McGee, Molnar, Prouse, Ryan, Simpkins, Swanson, Ayes.

Excused: Rehbein.

Total 1

Absent or not voting: None.

Total 0

HB 77 - Representative Grinde moved consideration of HB 77 be passed for the day. Motion carried.

HB 20 - Representative Cobb moved HB 20 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Rehbein, Wagner.

Total 2

Voted Absentee: Arnott, Ellingson, Grady, Harrington, Heavy Runner, McCann, McGee, Molnar, Prouse, Ryan, Simpkins, Swanson, Ayes; Rehbein, No.

Excused: Marshall.

Total 1

Absent or not voting: None.

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Total 0

HB 151 - Representative Grinde moved consideration of HB 151 be passed for the day. Motion carried. .

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harper moved that the Committee of the Whole report be adopted. Report adopted. (84-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 25 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Boharski, Jore.

Total 3

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, McGee, Prouse, Rehbein, Ryan, Simpkins, Swanson, Ayes.

Excused: Grady, Marshall, Molnar.

Total 3

Absent or not voting: None.

Total 0

HB 56 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker. .

Total 95

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Noes: Adams.
Total 1

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, McGee, Rehbein, Ryan, Simpkins, Swanson, Ayes.

Excused: Grady, Marshall, Molnar, Prouse.
Total 4

Absent or not voting: None.
Total 0

HB 97 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Ohs.
Total 1

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, McGee, Prouse, Rehbein, Ryan, Simpkins, Swanson, Ayes.

Excused: Grady, Marshall, Molnar.
Total 3

Absent or not voting: None.
Total 0

HB 117 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

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Noes: None.
Total 0

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, McGee, Prouse, Rehbein, Ryan, Simpkins, Swanson, Ayes.

Excused: Grady, Marshall, Molnar.
Total 3

Absent or not voting: Bergsagel.
Total 1

HB 131 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Boharski, Brainard, Clark, DeBruycker, Denny, Jore, Orr, Rehbein, Smith, Vick, Wagner.
Total 11

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, McGee, Prouse, Ryan, Simpkins, Swanson, Ayes; Rehbein, No.

Excused: Grady, Marshall, Molnar.
Total 3

Absent or not voting: None.
Total 0

HB 141 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: DeBruycker.

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Total 1

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, McGee, Prouse, Rehbein, Ryan, Simpkins, Swanson, Ayes.

Excused: Grady, Marshall, Molnar.

Total 3

Absent or not voting: None.

Total 0

HB 165 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, Brainard, DeBruycker, Jore, Smith, Wagner.

Total 6

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, McGee, Prouse, Ryan, Simpkins, Swanson, Ayes.

Excused: Grady, Marshall, Molnar, Rehbein.

Total 4

Absent or not voting: None.

Total 0

SJR 1 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Boharski, Cobb, DeBruycker, Raney, Tuss, Wyatt.

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Total 6

Voted Absentee: Arnott, Ellingson, Harrington, Heavy Runner, McCann, Prouse, Ryan, Simpkins, Swanson, Wells, Ayes.

Excused: Grady, Marshall, McGee, Molnar, Rehbein.

Total 5

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, January 20, 1997. Motion carried.

House adjourned at 9:00 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana
January 20, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hurdle. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bergsagel, Molnar, Tash, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for legislative days one through twelve, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/20/97

Correctly printed for second reading: HB 86, HB 207, SB 18.

Correctly engrossed for third reading: HB 19, HB 20, HB 28, HB 72, HB 85, HB 115, HJR 3.

EDUCATION (Ellis, Chairman): 1/20/97

HB 52, introduced bill, be amended as follows:

1. Page 3.

Following: line 12

Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 71 is passed and approved and if it includes a section that amends 20-1-301, then [this act] is void."

And, as amended, do pass. Report adopted.

HB 192, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 1/17/97

HB 24, introduced bill, do pass. Report adopted.

HB 40, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "MAKING PERMANENT"

Insert: "EXTENDING FOR 2 YEARS"

2. Title, line 7.

Strike: "REPEALING"

Insert: "AMENDING"

3. Page 1, line 12.

Strike: line 12 in its entirety

Insert: "Section 1. Section 4, Chapter 196, Laws of 1995, is amended to read:

"Section 4. Termination. [This act] terminates June 30, ~~1997~~ 1999."

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And, as amended, do pass. Report adopted.

HB 41, introduced bill, do pass. Report adopted.

1/20/97

HB 43, introduced bill, do pass. Report adopted.

HB 65, introduced bill, be amended as follows:

1/17/97

1. Page 1, line 19.

Strike: "imprisoned in the state prison"

Insert: "incarcerated"

And, as amended, do pass. Report adopted.

HB 122, introduced bill, be amended as follows:

1/20/97

1. Title, line 10.

Following: "RESTITUTION"

Insert: ", CHILD SUPPORT,"

2. Title, line 14.

Following: "PROCEEDINGS;"

Strike: "AND"

3. Title, line 15.

Following: "MCA"

Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 21.

Following: "proceeding"

Insert: "in which the person is a party"

Strike: "the person is"

5. Page 1, line 22.

Following: "(a)"

Insert: "the person is"

6. Page 1, line 23.

Strike: "a party to the civil proceeding and"

Strike: "the person"

Insert: "a party"

7. Page 2, line 11.

Strike: "."

Insert: ";

8. Page 2.

Following: line 11.

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Insert: "(c) the amount of any child support owed by the prisoner."

9. Page 2, lines 15 and 17.

Following: "restitution" on each line

Insert: ", child support,"

10. Page 2, line 21.

Following: "53-9-109"

Insert: ", to pay any outstanding child support payments to the department of public health and human services for disbursement to the obligee,"

Strike: "owned"

Insert: "owed"

11. Page 2, line 22.

Following: "any"

Insert: "child support payments. All child support owed by the prisoner must be paid prior to the payment of any"

12. Page 3, lines 27 and 28.

Strike: "pretrial" on line 27 through "release," on line 28

13. Page 4, line 11.

Page 5, line 2.

Following: "incarcerated"

Insert: "as a result of a conviction for a criminal offense"

14. Page 4, line 16.

Strike: "and the"

Insert: ", "

15. Page 5.

Following: line 26.

Insert: "NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 9. Retroactive applicability. [Sections 2, 4, and 5] apply retroactively, within the meaning of 1-2-109, to causes of action that accrued and judgments that occurred after January 1, 1990."

And, as amended, do pass. Report adopted.

HB 135, introduced bill, be amended as follows:

1. Page 3, line 23.

Following: "parole."

Insert: "The board may not grant a medical parole unless it finds, after consultation with the physician that examined and diagnosed the person, that the person suffers from an incapacitating physical condition, disease, or syndrome that renders the person highly unlikely to present a clear and present danger to public

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safety."

And, as amended, do pass. Report adopted.

HB 218, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/20/97

HB 73, introduced bill, do pass. Report adopted.

HB 132, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/18/97

SB 10, introduced by Hargrove

SB 11, introduced by Foster

SB 14, introduced by Swysgood

SB 16, introduced by Halligan

SB 33, introduced by Halligan

SB 38, introduced by Lynch

SB 135, introduced by Crippen

SB 103, introduced by Van Valkenburg, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 1/18/97 to the House with the following vote:

YEAS - 41

NAYS - 0

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 296, introduced by Kitzenberg, referred to Committee on Appropriations.

HB 297, introduced by McCann, Simon, referred to Committee on Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 10, introduced by Hargrove, (by request of the Joint Interim Subcommittee on Veterans' Needs) referred to Committee on Education.

SB 11, introduced by Foster, (by request of the Department of Transportation) referred to Committee on Transportation.

SB 14, introduced by Swysgood, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.

SB 16, introduced by Halligan, referred to Committee on Judiciary.

SB 33, introduced by Halligan, referred to Committee on Judiciary.

SB 38, introduced by Lynch, (by request of the Legislative Council) referred to Committee on Education.

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SB 103, introduced by Van Valkenburg, (by request of the Department of Military Affairs) referred to Committee on Judiciary.

SB 135, introduced by Crippen, referred to Committee on Business & Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Anderson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 123 - Representative Simpkins moved HB 123 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Bergsagel, Boharski, DeBruycker, Devaney, Holland, Jore, Kasten, Keenan, McGee, Prouse, Simon, Smith, Vick, Wagner.

Total 15

Voted Absentee: ; Bergsagel, No.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Squires.

Total 1

HB 77 - Representative Simpkins moved HB 77 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Harper, Harrington, Raney, Ream, Ryan, Sands, Story, Tuss,

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Whitehead.

Total 14

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Devaney.

Total 1

HB 156 - Representative Grady moved HB 156 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 43

Voted Absentee: ; Bergsagel, No.

Excused: Molnar, Tash.

Total 2

Absent or not voting: None.

Total 0

HB 38 - Representative Rose moved HB 38 do pass. Motion failed as follows:

Ayes: Ahner, Anderson, Arnott, Bohlinger, Clark, Grimes, H.S. Hanson, M. Hanson, Hayne, Hurdle, R. Johnson, Knox, Marshall, Menahan, Mills, Peck, Rose, Ryan, Soft, Walters, Wiseman.

Total 21

Noes: Adams, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 76

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Voted Absentee: ; Bergsagel, No.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Kottel.

Total 1

SB 18 - Representative Sliter moved SB 18 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Boharski, Brainard, Jore, Kasten, McGee, Rehbein.

Total 7

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Marshall.

Total 1

HB 104 - Representative Hagener moved HB 104 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Cobb, Jore, Kasten, Prouse, Vick.

Total 5

Voted Absentee: Bergsagel, Aye.

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Excused: Molnar, Tash.

Total 2

Absent or not voting: None.

Total 0

HB 151 - Representative Marshall moved HB 151 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel.

Total 1

Voted Absentee: ; Bergsagel, No.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Vick.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Anderson moved that the Committee of the Whole report be adopted. Report adopted. (91-5)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 29 passed as follows:

Ayes: Anderson, Bankhead, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

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Noes: Adams, Ahner, Arnott, Barnett, Beaudry, Bitney, Brainard, Clark, Cobb, DeBruycker, Feland, Hayne, Jore, Kasten, McGee, Orr, Prouse, Rehbein, Sliter, Story, Vick, Wagner, Wells.

Total 23

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Ohs.

Total 1

HB 19 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Jore, Kasten, Prouse, Rehbein, Story, Vick.

Total 6

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Kitzenberg.

Total 1

HB 20 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Wagner.

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Total 1

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Peck.

Total 1

HB 28 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Curtiss, Wyatt.

Total 2

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: None.

Total 0

HB 72 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

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Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: None.

Total 0

HB 85 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Rehbein.

Total 1

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: Heavy Runner, Sliter.

Total 2

HB 115 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Arnott, Boharski, Brainard, DeBruycker, Denny, Feland, Galvin, Hagener, Jore, Rehbein, Smith, Vick, Whitehead.

Total 13

Voted Absentee: Bergsagel, Aye.

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Excused: Molnar, Tash.

Total 2

Absent or not voting: None.

Total 0

HJR 3 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Keenan.

Total 2

Voted Absentee: Bergsagel, Aye.

Excused: Molnar, Tash.

Total 2

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 208: Representative Masolo, Representative Walters, Representative Tropila, Representative Devaney, Representative Bookout-Reinicke, Representative Denny, Representative Barnett, Representative Bohlinger, Representative Rose, Representative Ewer, Representative Smith, Representative Hayne, Representative Harper, Representative Ohs, Representative Clark.

The following sponsor was removed from HB 231: Representative Bookout-Reinicke.

In honor of Martin Luther King Jr. Day, Representative Cocchiarella addressed the House with a tribute to Reverend King.

Mr. Speaker introduced this week's pages:

Kinsey Casey, Helena
Rachel Stokes, Pendroy
Bridgit Swenson, Glasgow
Kristi Greenwood, Polson
Amanda Stevens, Billings

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Shalesha Thompson, Helena
Gina Pimm, Coram

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 21, 1997. Motion carried.

House adjourned at 2:42 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

Donald P. Miller, Esq.
Counsel

James W. Miller, Esq.
Counsel

James W. Miller, Esq.
Counsel

James W. Miller, Esq.
Counsel

James W. Miller, Esq.
Counsel

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SPECIAL ORDERS OF THE DAY

James W. Miller, Esq.
Counsel

James W. Miller, Esq.
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James W. Miller, Esq.
Counsel

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**HOUSE JOURNAL
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana
January 21, 1997

House Chambers
State Capitol

House convened at 12:56 p.m. Mr. Speaker in the Chair. Invocation by Representative Soft. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Molnar, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the thirteenth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/21/97

Correctly printed for second reading: HB 24, HB 40, HB 41, HB 43, HB 52, HB 65, HB 73, HB 122, HB 132, HB 135, HB 192, HB 218.

Correctly engrossed for third reading: HB 77, HB 104, HB 123, HB 151, HB 156, SB 18.

HUMAN SERVICES (Grimes, Chairman):

1/20/97

HB 53, introduced bill, be amended as follows:

1. Page 8, line 24.

Strike: "the mentally ill"

Insert: "persons with mental illness"

2. Page 16, line 23.

Strike: "for the blind and"

Strike: "physical"

3. Page 41, line 30 through page 42, line 1.

Strike: "an impediment to employment" and "because of"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/21/97

HB 98, introduced bill, be amended as follows:

1. Title, line 8.

Following: line 7

Strike: "THE"

Insert: "AN EXECUTION"

Strike: "OF EXECUTION"

2. Page 3, line 2.

Following: "for clemency"

Insert: ", except that an application may not be filed with respect to a sentence of death while an automatic review

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proceeding is pending before the Montana supreme court under 46-18-307 through 46-18-310"

3. Page 3, line 4.

Strike: "must"

Insert: "may"

4. Page 3, line 5.

Following: line 4

Strike: "the"

Insert: "a"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/21/97

HB 59, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/21/97

HB 70, introduced bill, do pass. Report adopted.

HB 107, introduced bill, be amended as follows:

1. Page 1.

Following: line 26

Insert: "(d) long-term care insurance premiums paid;"

2. Page 3, line 28.

Following: "taxpayer"

Insert: "for tax years beginning after December 31, 1994,"

Following: "both,"

Insert: "for tax years beginning after December 31, 1996,"

3. Page 4, line 18.

Strike: "1996"

Insert: "1994"

And, as amended, do pass. Report adopted.

HB 237, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/20/97

SB 52, introduced by Crismore

SB 54, introduced by Bowman Shea

SB 58, introduced by Swysgood

SB 65, introduced by Devlin

SB 69, introduced by Waterman

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SB 101, introduced by Beck

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 298, introduced by R. Johnson, Swanson, referred to Committee on Human Services.

HB 299, introduced by Boharski, Adams, Bergman, Clark, Walters, Jore, Rehbein, Grinde, Kasten, Knox, Prouse, Bookout-Reinicke, McGee, Simpkins, M. Hanson, Lawson, Vick, Wells, Hayne, Jenkins, Mohl, Estrada, Keating, Gage, Toews, Baer, referred to Committee on Judiciary.

HB 300, introduced by Curtiss, Orr, referred to Committee on Appropriations.

HB 301, introduced by Ryan, Carey, Simpson, referred to Committee on Human Services.

HB 302, introduced by Bohlinger, referred to Committee on Business & Labor.

HB 303, introduced by Boharski, McGee, Vick, Prouse, Clark, Jenkins, Baer, Aklestad, Rehbein, Keating, Wells, Bergman, Hayne, Sliter, Adams, Knox, Bookout-Reinicke, M. Hanson, Simpkins, Grinde, Jore, Walters, Hargrove, Gage, Lawson, Kasten, Toews, referred to Committee on Judiciary.

HB 304, introduced by Ewer, Bartlett, Swanson, Grosfield, Soft, Curtiss, Harper, Grimes, Marshall, Hargrove, R. Johnson, referred to Committee on Business & Labor.

HB 305, introduced by Galvin, Pavlovich, Squires, Dowell, Heavy Runner, Kottel, Ryan, Carey, McCulloch, Bowman Shea, Tropila, Wyatt, J. Johnson, Harper, Whitehead, Lynch, Kitzenberg, Doherty, Harrington, referred to Committee on Business & Labor.

HB 306, introduced by Curtiss, Grinde, Cobb, Ellis, Clark, Keating, Brainard, Stovall, Wagner, Ohs, DeBruycker, Mood, Taylor, referred to Committee on Judiciary.

HB 307, introduced by Jore, Taylor, referred to Committee on Fish, Wildlife, & Parks.

HJR 7, introduced by Peck, Mercer, Grinde, Kitzenberg, Ryan, Pease, Rose, Zook, Beck, Wells, Halligan, Heavy Runner, referred to Committee on State/Federal Relations.

The following Senate bills were introduced, read first time, and referred to committee:

SB 52, introduced by Crismore, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.

SB 54, introduced by Bowman Shea, (by request of the Montana Board of Crime Control and the Department of Justice) referred to Committee on Judiciary.

SB 58, introduced by Swysgood, referred to Committee on Business & Labor.

SB 65, introduced by Devlin, (by request of the Department of Commerce) referred to Committee on Business & Labor.

SB 69, introduced by Waterman, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.

SB 101, introduced by Beck, referred to Committee on Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading,

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recommend as follows:

HB 43 - Representative Bankhead moved HB 43 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 192 - Representative H. Hanson moved HB 192 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Brainard, Harper, Wyatt.

Total 3

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 24 - Representative Hagener moved HB 24 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin,

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Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Boharski, Brainard, DeBruycker, Devaney, Kasten, Lawson, Rehbein, Trexler.
Total 8

Excused: Molnar.
Total 1

Absent or not voting: Barnhart, Heavy Runner, Wiseman.
Total 3

HB 41 - Representative Cobb moved HB 41 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Tuss.
Total 1

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 73 - Representative Mood moved HB 73 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

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Noes: Boharski.
Total 1

Excused: Molnar.
Total 1

Absent or not voting: Ellis.
Total 1

HB 86 - Representative Hibbard moved HB 86 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Bergsagel.
Total 1

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 132 - Representative Knox moved HB 132 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Brainard, DeBruycker, Feland.
Total 3

Excused: Molnar.
Total 1

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Absent or not voting: None.
Total 0

HB 207 - Representative Grady moved HB 207 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Adams, Arnott, Bankhead, Boharski, Brainard, Jore, Kasten, Rehbein, Smith.
Total 9

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 218 - Representative Clark moved HB 218 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swanson moved that the Committee of the Whole report be adopted. Report adopted. (95-1)

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 77 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Harper, Pease, Raney, Ream, Ryan, Sands, Story, Tuss, Whitehead.
Total 14

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 123 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Bergsagel, Boharski, DeBruycker, Holland, Jore, Kasten, McGee, Prouse, Simon, Smith, Vick, Wagner.
Total 12

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 151 passed as follows:

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Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Bergsagel.
Total 1

Excused: Molnar.
Total 1

Absent or not voting: Anderson.
Total 1

SB 18 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Adams, Boharski, Brainard, Jore, Kasten, McGee, Orr, Smith.
Total 8

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 22, 1997. Motion carried.

House adjourned at 2:16 p.m.

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John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 22, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bergman. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Molnar, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fourteenth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/22/97

Correctly printed for second reading: HB 53, HB 59, HB 70, HB 98, HB 107, HB 237.

Correctly engrossed for third reading: HB 24, HB 41, HB 43, HB 86, HB 73, HB 132, HB 192, HB 207, HB 218.

FISH, WILDLIFE, & PARKS (Wagner, Chairman): 1/22/97

HB 175, introduced bill, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman): 1/22/97

HB 66, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "ACCOUNT"

Insert: "PROGRAM"

2. Page 1, line 15.

Following: "delinquency"

Insert: "and teen pregnancy"

3. Page 2, line 3.

Following: "age"

Insert: "or a person with special needs, as defined by the department, who is under 18 years of age or is 18 years of age and a full-time student expected to complete an educational program by 19 years of age"

4. Page 3, line 18.

Following: "age"

Insert: "or a person with special needs, as defined by the department, who is under 18 years of age or is 18 years of age and a full-time student expected to complete an educational program by 19 years of age"

5. Page 3, line 23.

Strike: "and account"

6. Page 3, line 24.

Strike: "and account"

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7. Page 3, line 27.

Strike: "Money in the account"

Insert: "Program funds"

8. Page 4, line 19.

Following: "care"

Insert: "and for consumer education"

9. Page 4, line 21.

Strike: "and"

10. Page 4, line 22.

Following: "facilities"

Insert: "when a community need has been demonstrated;

(iii) grant applications for consumer education; and

(iv) grant applications for preservation of existing care programs that fill a demonstrated need but have a high probability of closure"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):

1/22/97

HB 69, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "SUBSTITUTING"

Insert: "ALLOWING THE SUBSTITUTION OF"

2. Page 1, line 20.

Following: "~~court~~"

Insert: "clerk of court or, if the clerk of court declines to act as trustee, the"

Following: "~~him~~"

Insert: "the clerk of court or"

3. Page 1, following line 22.

Insert: "(4) If at any time a clerk of court decides to not continue as trustee for a trust for unlocatable mineral, leasehold, or royalty interest owners, the district court shall appoint the department of revenue to act as trustee. Upon the department of revenue's appointment as trustee, the clerk of court shall remit all funds and interest held in the trust to the department of revenue."

4. Page 2, line 7.

Following: "revenue"

Insert: "or, if the clerk of the court is the trustee, to the general fund of the county in which the mineral interest is located"

5. Page 3, line 5.

Following: "to the"

Strike: "department of revenue"

Insert: "trustee of the trust"

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And, as amended, do pass. Report adopted.

HB 211, introduced bill, be amended as follows:

1. Page 1, line 11.

Strike: "protection services"

Insert: "department"

2. Page 1, lines 12 and 13.

Strike: "Each" on line 12 through "services," on line 13

Insert: "In every city and town of this state there must be a fire department, which must be"

3. Page 1, lines 13 through 15.

Following: "part" on line 13

Insert: "except that a third-class city or town may contract for fire protection services or consolidate its fire department with another fire protection provider created under this part"

Strike: "To" on line 13 through "part." on line 15

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

1/21/97

HB 36, introduced bill, be amended as follows:

1. Page 2, line 24.

Following: "~~property~~"

Strike: ";

Insert: ". Prior to the transfer of real property directly purchased and held as an investment, the board shall obtain an appraisal by a qualified appraiser."

And, as amended, do pass. Report adopted.

HB 89, introduced bill, do pass. Report adopted.

HB 96, introduced bill, be amended as follows:

1. Page 1, line 28.

Following: "invested."

Insert: "The department or an appropriate officer of a political subdivision shall notify affected plan members of potential changes in investment options and financial institutions before the changes are made."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/21/97

SB 6, introduced by Christiaens

SB 60, introduced by Sprague

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SB 63, introduced by Foster
SB 77, introduced by Jenkins
SB 94, introduced by Brooke
SB 115, introduced by Nelson
SB 121, introduced by Hertel
SB 141, introduced by Mesaros

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 308, introduced by Pavlovich, Cocchiarella, Quilici, Lynch, Menahan, Bowman Shea, referred to Committee on Taxation.
HB 309, introduced by Pavlovich, Cocchiarella, Bowman Shea, Lynch, Quilici, Menahan, referred to Committee on Business & Labor.
HB 310, introduced by Pavlovich, Quilici, Lynch, Cocchiarella, Bowman Shea, Menahan, referred to Committee on Business & Labor.
HB 311, introduced by Orr, referred to Committee on Taxation.
HB 312, introduced by H. Hanson, referred to Committee on Local Government.
HB 313, introduced by Kitzenberg, referred to Committee on Select Corrections.
HB 314, introduced by Simpkins, referred to Committee on Education.
HB 315, introduced by Krenzler, Mills, referred to Committee on Local Government.
HB 316, introduced by Krenzler, Mills, referred to Committee on Local Government.
HB 317, introduced by Gillan, referred to Committee on Local Government.
HB 318, introduced by Gillan, referred to Committee on Local Government.
HB 319, introduced by Gillan, referred to Committee on Local Government.
HB 320, introduced by Anderson, Harp, referred to Committee on Transportation.
HB 321, introduced by McCulloch, Barnett, Mahlum, referred to Committee on Judiciary.
HB 322, introduced by McCulloch, Van Valkenburg, Denny, Cocchiarella, Halligan, referred to Committee on Local Government.
HB 323, introduced by Boharski, Ahner, Bergman, Beaudry, Bitney, Bookout-Reinicke, Curtiss, Clark, Adams, Devaney, Arnott, Ohs, Prouse, Zook, Mood, Estrada, Baer, Gage, Keating, Grimes, Walters, Rehbein, Holland, Simon, Toews, Kasten, Wells, Simpkins, Orr, McGee, Jenkins, Knox, Jore, M. Hanson, Hayne, Harper, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bohlinger in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 122 - Representative McGee moved HB 122 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 70

Noes: Adams, Brainard, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, McCulloch, Pease, Ream, Sands, Schmidt, Simpson, Sliter, Swanson, Tuss, Vick, Whitehead, Wyatt.

Total 29

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 135 - Representative Smith moved HB 135 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Molnar.

Total 1

Absent or not voting: Ewer.

Total 1

HB 40 - Representative Cobb moved HB 40 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 87

Noes: Adams, DeBruycker, Dowell, Grimes, Jore, Kasten, Keenan, Orr, Prouse, Smith, Vick, Wagner.
Total 12

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 52 - Representative Kitzenberg moved HB 52 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 85

Noes: Arnott, Bankhead, Barnhart, Ewer, Galvin, Grinde, Hurdle, J. Johnson, Ohs, Peck, Schmidt, Taylor, Tuss, Wyatt.
Total 14

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bohlinger moved that the Committee of the Whole report be adopted. Report adopted. (93-4)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 43 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee,

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Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker:
Total 99

Noes: None.
Total 0

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 192 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 97

Noes: Tuss, Wyatt.
Total 2

Excused: Molnar.
Total 1

Absent or not voting: None.
Total 0

HB 24 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Boharski, DeBruycker, Devaney, Kasten, Keenan, Lawson, Rehbein.

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Total 7

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 41 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 73 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Boharski.

Total 1

Excused: Molnar.

Total 1

Absent or not voting: Anderson.

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Total 1

HB 86 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Jore, Taylor.

Total 2

Excused: Molnar.

Total 1

Absent or not voting: Ellis.

Total 1

HB 132 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Brainard, DeBruycker.

Total 2

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 207 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin,

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Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Arnott, Bankhead, Boharski, Brainard, Jore, Kasten, Rehbein, Smith.
Total 9

Excused: Molnar.
Total 1

Absent or not voting: Grady, Tuss.
Total 2

HB 218 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: None.
Total 0

Excused: Molnar.
Total 1

Absent or not voting: Adams, Heavy Runner, Kitzenberg, McCann, Squires.
Total 5

MOTIONS

HB 24 - Representative Smith moved she be allowed to change her vote on HB 24, third reading, from nay to aye.
Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, January 23, 1997. Motion carried.

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House adjourned at 1:53 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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ANNOUNCEMENTS

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**HOUSE JOURNAL
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana
January 23, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bankhead. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Ahner, Arnott, Bergman, Clark, Ellingson, H. Hanson, Hurdle, Kottel, McCulloch, McGee, Molnar, Pease, Sands, Simpkins, Smith, Soft, Wyatt, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifteenth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/23/97
Correctly printed for second reading: HB 36, HB 66, HB 69, HB 89, HB 96, HB 175, HB 211.
Correctly engrossed for third reading: HB 40, HB 52, HB 122, HB 135.

BUSINESS & LABOR (Simon, Chairman): 1/22/97
HB 164, introduced bill, be amended as follows:

1. Title, line 6.
Following: "DENTISTS,"
Insert: "DENTURISTS,"
2. Title, line 7.
Strike: "ELECTRICIANS,"
3. Title, line 11.
Following: "37-26-301,"
Insert: "37-29-303,"
4. Title, line 12.
Following: "37-65-202,"
Strike: "37-68-102, 37-68-103,"
5. Title, line 13.
Strike: "AND"
6. Title, line 19.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"
7. Page 1, line 29.
Strike: "40 and 41"

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Insert: "39 and 40"

8. Page 13, lines 8 and 9.

Following: "~~20%~~" on line 8

Strike: the remainder of line 8 through trade-in on line 9

Insert: "the actual cost of dispensing the hearing aid or related device to the purchaser. This cost must be substantiated by the dispenser, and regardless of the length of the trial period, the dispensing fee may not exceed 15% of the total cost of the hearing aid or related device"

9. Page 16.

Following: line 18

Insert: "(a) prescribe, dispense, or administer any legend drug, as defined in 50-31-301, except for whole gland thyroid; homeopathic preparations; the natural therapeutic substances, drugs, and therapies described in subsection (2); and oxytocin (pitocin), provided that the naturopathic physician may administer but may not prescribe or dispense oxytocin (pitocin);"

Renumber: subsequent subsections

10. Page 17, line 3.

Following: "pharmacist"

Strike: "nominated"

11. Page 17, line 4.

Strike: "by the Montana pharmaceutical association"

12. Page 17, line 19.

Insert: "Section 25. Section 37-29-303, MCA, is amended to read:

"37-29-303. Application for license. Upon application and payment of the appropriate fee, except as provided in subsection (3), the board shall issue a license to practice dentistry to any applicant who meets the following criteria and scores a passing grade on the examination for licensure:

(1) documentation that the applicant has completed formal training of not less than 2 years at an educational institution accredited by a national or regional accrediting agency recognized by the Montana state board of regents, the curriculum of which includes courses in head and oral anatomy and physiology, oral pathology, microbiology, partial denture construction and design, clinical dental technology, radiology, dental laboratory technology, asepsis, clinical jurisprudence, and medical emergencies, including cardiopulmonary resuscitation; and

(2) documentation that the applicant:

(a) has completed 1 year of internship under the direct supervision of a licensed dentist; or

(b) has 3 years of experience as a dentist under licensure in another state or Canada.

(3) Notwithstanding the provisions of subsections (1) and (2), the board may issue a license to a person who has previously been licensed under the provisions of this chapter but whose license has expired. Before issuing the license, the board may require:

(a) a clinical practical examination of competency; or

(b) documentation verifying that the person seeking the license has completed continuing education courses that constitute, in the board's judgment, practical training that is substantially equivalent to the 3 years of experience required in subsection (2)(b)."

13. Page 26, line 9 through line 1 on page 27.

Strike: section 37 in its entirety

Renumber: subsequent sections

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14. Page 27, line 3 through line 3 on page 28.

Strike: section 38 in its entirety

Renumber: subsequent sections

15. Page 32, line 30.

Following: "Section"

Strike: "39"

Insert: "38"

16. Page 33, line 1.

Following: "section"

Strike: "39"

Insert: "38"

17. Page 33, lines 2 and 3.

Strike: "40 and 41"

Insert: "39 and 40"

18. Page 33, following line 16.

Insert: "NEW SECTION. Section 47. Termination. [Section 25] terminates January 1, 1998."

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/22/97

HB 42, introduced bill, be amended as follows:

1. Title, line 4.

Following: the second "AN ACT"

Insert: "REQUIRING AN AGENCY PRESENTED WITH A PETITION FOR RULEMAKING TO ISSUE ITS
DECISION IN WRITING, BASED ON THE RECORD; REQUIRING THE AGENCY TO INCLUDE
THE REASONS FOR THE DECISION IN THE WRITTEN DECISION;"

2. Page 1, line 10.

Strike: "(1)"

3. Page 1, lines 12 and 13.

Strike: ", in" on line 12 through "discretion," on line 13

4. Page 1, line 15.

Strike: "(stating its reasons for the denial)"

5. Page 1, line 16.

Following: "2-4-305."

Insert: "A decision to deny a petition or to initiate rulemaking proceedings must be in writing and based on record evidence. The written decision must include the reasons for the decision. Record evidence may include any evidence submitted by the petitioner on behalf of the petition and by the agency and interested persons in response to the petition. An agency may, but is not required to, conduct a hearing or oral presentation on the petition in order to develop a record and record evidence and to allow the petitioner and interested

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persons to present their views."

6. Page 1, lines 17 through 26.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/23/97

HB 120, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: "drainage"

Insert: ", which drains to the Sun River,"

2. Page 2, line 1.

Following: "permit"

Insert: "or a state water reservation"

Following: "issued"

Strike: "or for which water has been reserved"

And, as amended, do pass. Report adopted.

HB 152, introduced bill, be amended as follows:

1. Title, line 7.

Following: "ACT;"

Strike: "AND"

Following: "75-2-216,"

Strike: "75-10-210,"

2. Title, line 10.

Following: "MCA"

Insert: "; AND REPEALING SECTION 75-10-210, MCA"

3. Page 8, line 21.

Following: "75-2-216."

Strike: "Moratorium" through "provisions of (1), the" on line 25.

Insert: "Adoption of rules for solid or hazardous waste incinerator permits. The"

4. Page 8, line 26 and 27.

Following: "75-2-215"

Strike: remainder of line 26, through "incinerators" on line 27.

5. Page 8, line 29 through page 9, line 5.

Strike: Section 17 in its entirety.

Renumber: subsequent sections

6. Page 31, line 7.

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Following: line 6

Insert: "NEW SECTION. Section 35. Repealer. Section 75-10-210, MCA, is repealed."

Renumber: subsequent sections

7. Page 31, line 14.

Strike: "30"

Insert: "29"

8. Page 31, line 17.

Strike: "31"

Insert: "30"

And, as amended, do pass. Report adopted.

HB 162, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

1/22/97

HB 76, introduced bill, be amended as follows:

1. Title, line 8.

Following: "ADDRESS IS"

Insert: "NOT"

2. Page 1, line 21 and page 3, line 9.

Following: "elector to"

Insert: "verify the accuracy of the elector's address or"

3. Page 3, line 10.

Strike: "does not invalidate"

Insert: "invalidates"

And, as amended, do pass. Report adopted.

HB 227, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "DESTROYED"

Insert: "DISPOSED OF"

2. Page 1, line 17.

Strike: "destroy"

Insert: "dispose of"

Following: "packages"

Insert: "according to a plan approved by the secretary of state"

And, as amended, do pass. Report adopted.

HJR 4, introduced bill, do pass. Report adopted.

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TAXATION (Hibbard, Chairman):

1/22/97

HB 82, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: "that"

Insert: "the"

Strike: "to file"

And, as amended, do pass. Report adopted.

HB 294, introduced bill, do pass. Report adopted.

SB 47, be amended as follows:

1. Page 1, line 14.

Following: "revenue"

Insert: ", and for the purposes of Title 15, chapter 70, the director of the department of transportation,"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/22/97

SB 15, introduced by Halligan

SB 21, introduced by Jergeson

SB 28, introduced by Hertel

SB 71, introduced by Toews

SB 84, introduced by Jergeson

SB 117, introduced by Nelson

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 324, introduced by Grady, Halligan, Cocchiarella, Hibbard, Harper, Ahner, Bartlett, Waterman, Van Valkenburg, Beck, McCarthy, Crippen, Foster, Lynch, referred to Committee on State Administration.

HB 325, introduced by Brainard, Wells, Clark, Orr, Rehbein, Curtiss, Bergman, Denny, Bitney, Bankhead, referred to Committee on Judiciary.

HB 326, introduced by Brainard, Bitney, Anderson, Denny, Mahlum, Wells, Clark, Orr, referred to Committee on Transportation.

HB 327, introduced by Bergman, Devlin, Brainard, Wells, Cole, Ahner, Denny, Kottel, Wagner, Curtiss, referred to Committee on Select Corrections.

HB 328, introduced by Ellingson, referred to Committee on Human Services.

HB 329, introduced by Ellingson, referred to Committee on Natural Resources.

HB 330, introduced by Wiseman, Ewer, R. Johnson, referred to Committee on Business & Labor.

HB 331, introduced by Soft, Thomas, Baer, Bishop, Wilson, Burnett, Ohs, Ewer, R. Johnson, Tuss, Gillan, Kottel,

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Pease, Galvin, Dowell, Clark, Harper, Bohlinger, Grimes, McGee, Kitzenberg, Halligan, Mills, Wells, Ahner, Ryan, Eck, Carey, Christiaens, referred to Committee on Business & Labor.

HB 332, introduced by Marshall, Bohlinger, Rose, Walters, Mills, Barnett, Keenan, Prouse, Vick, Devaney, Denny, Smith, Bookout-Reinicke, Hayne, Bankhead, Hibbard, referred to Committee on Business & Labor.

HB 333, introduced by Soft, McGee, Grimes, Denny, R. Johnson, Kottel, referred to Committee on Human Services.

HB 334, introduced by Peck, Jergeson, McCann, referred to Committee on State Administration.

HB 335, introduced by Lawson, referred to Committee on Local Government.

HB 336, introduced by Bohlinger, referred to Committee on Transportation.

HB 337, introduced by Bohlinger, referred to Committee on Judiciary.

HB 338, introduced by Lawson, referred to Committee on Local Government.

HB 339, introduced by Carey, Bohlinger, Grimes, Rose, Marshall, referred to Committee on Judiciary.

HB 340, introduced by Kottel, Gillan, McCulloch, Christiaens, referred to Committee on Human Services.

HB 341, introduced by Mercer, Mood, Boharski, Grady, Grosfield, Bergman, Taylor, Keating, Orr, Grimes, Simpkins, Keenan, Estrada, Harp, Bitney, Beck, referred to Committee on Business & Labor.

HB 342, introduced by Barnhart, Eck, Swanson, Raney, Marshall, referred to Committee on Judiciary.

HB 343, introduced by Grimes, Nelson, referred to Committee on Judiciary.

HJR 8, introduced by Brainard, McCulloch, J. Johnson, Denny, Gillan, Rose, Wells, Cocchiarella, Quilici, Pease, Orr, Hibbard, Galvin, Menahan, Kottel, Stovall, Bergman, Simpson, Sliter, Trexler, Carey, Squires, Sands, Tash, Mood, Mahlum, Halligan, Harrington, Tuss, Clark, Wyatt, Ream, Whitehead, Heavy Runner, Cobb, Krenzler, Hagener, Ellingson, Curtiss, referred to Committee on Education.

HB 127, introduced by J. Johnson, (by request of the Department of Justice) referred to Committee on Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

SB 6, introduced by Christiaens, referred to Committee on Select Corrections.

SB 60, introduced by Sprague, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.

SB 63, introduced by Foster, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.

SB 77, introduced by Jenkins, (by request of the Department of Military Affairs) referred to Committee on Local Government.

SB 94, introduced by Brooke, (by request of the Joint Oversight Committee on Children and Families) referred to Committee on Human Services.

SB 115, introduced by Nelson, referred to Committee on Fish, Wildlife, & Parks.

SB 121, introduced by Hertel, referred to Committee on Local Government.

SB 141, introduced by Mesaros, Bishop, Rehbein, Tash, referred to Committee on Judiciary.

SB 15, introduced by Halligan, (by request of the Juvenile Justice and Juvenile Mental Health Study Commission) referred to Committee on Select Corrections.

SB 21, introduced by Jergeson, (by request of the Joint Committee on Postsecondary Education Policy and Budget) referred to Committee on Education.

SB 28, introduced by Hertel, referred to Committee on State Administration.

SB 71, introduced by Toews, (by request of the Office of Public Instruction) referred to Committee on Education.

SB 84, introduced by Jergeson, (by request of the Joint Committee on Postsecondary Education Policy and Budget) referred to Committee on Appropriations.

SB 117, introduced by Nelson, (by request of the Committee on Indian Affairs) referred to Committee on State Administration.

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 65 - Representative Menahan moved HB 65 do pass.

Representative Vick moved HB 65, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 17.

Following: "both"

Insert: ", and shall be ordered to pay restitution as provided in 46-18-241"

2. Page 1, line 18.

Following: "(3)"

Insert: "(a)"

3. Page 1, line 20.

Following: "both"

Insert: ", and shall be ordered to pay restitution as provided in 46-18-241"

4. Page 1, line 21.

Insert: "(b) If a term of incarceration is imposed, the judge shall suspend the term of incarceration upon the condition of payment of any fine imposed and of restitution. If the person does not pay the fine or restitution, the term of incarceration may be imposed."

Amendment #1 passed as follows:

Ayes: Adams, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Zook, Mr. Speaker.

Total 81

Noes: None.

Total 0

Excused: Ahner, Arnott, Bergman, Clark, Ellingson, H.S. Hanson, Hurdle, Kottel, McCulloch, McGee, Molnar, Pease, Sands, Simpkins, Smith, Soft, Wyatt.

Total 17

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Absent or not voting: Prouse, Wiseman.

Total 2

Motion to pass HB 65, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Voted Absentee: Ahner, Arnott, Ellingson, Hurdle, Kottel, McCulloch, McGee, Pease, Sands, Smith, Soft, Wyatt, Ayes.

Excused: Bergman, Clark, H.S. Hanson, Molnar, Simpkins.

Total 5

Absent or not voting: Wiseman.

Total 1

HB 70 - Representative Hibbard moved HB 70 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Bergsagel, Cobb, DeBruycker, McCann.

Total 5

Voted Absentee: Ahner, Bergman, Ellingson, H.S. Hanson, Hurdle, Kottel, McCulloch, McGee, Pease, Sands, Smith, Soft, Wyatt, Ayes; Arnott, No.

Excused: Clark, Molnar, Simpkins.

Total 3

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Absent or not voting: None.
Total 0

HB 53 - Representative Bohlinger moved HB 53 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt.
Total 69

Noes: Adams, Arnott, Bankhead, Beaudry, Bergman, Brainard, Clark, Curtiss, Ellis, Feland, Grinde, Hayne, Holland, Jore, Knox, Mood, Orr, Pease, Prouse, Rehbein, Stovall, Taylor, Vick, Wagner, Zook.
Total 25

Voted Absentee: Ahner, Ellingson, Hurdle, Kottel, McCulloch, McGee, Sands, Smith, Soft, Wyatt, Ayes; Arnott, Bergman, Clark, Pease, Noes.

Excused: H.S. Hanson, Molnar, Simpkins.
Total 3

Absent or not voting: Boharski, Grady, Mr. Speaker.
Total 3

HB 237 - Representative Grinde moved consideration of HB 237 be passed for the day. Motion carried.

HB 107 - Representative Kasten moved HB 107 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Brainard, Jore, Orr, Tuss, Vick, Wagner, Wells.
Total 8

Voted Absentee: Ahner, Arnott, Ellingson, Hurdle, Kottel, McCulloch, McGee, Pease, Sands, Smith, Soft, Wyatt, Ayes.

Excused: Bergman, Clark, H.S. Hanson, Molnar, Simpkins.
Total 5

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Absent or not voting: None.

Total 0

HB 59 - Representative R. Johnson moved HB 59 do pass.

Representative Bohlinger made a substitute motion to revert to the body of the bill for the purpose of amendment. Motion carried.

Representative Bohlinger moved HB 59, second reading copy, be amended (amendment #1).

Representative Rehbein moved for cloture on discussion of the amendment to HB 59. Motion carried.

Representative Bohlinger's motion to amend HB 59 (amendment #1), failed as follows: (19-78)

Motion to pass HB 59, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Ahner, Arnott, Bergman, Clark, Ellingson, H.S. Hanson, Hurdle, Kottel, McCulloch, McGee, Pease, Sands, Smith, Soft, Taylor, Wyatt, Ayes.

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 175 - Representative Ream moved HB 175 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bitney, Boharski, Clark, DeBruycker, Devaney, Dowell, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Heavy Runner, Hibbard, Hurdle, Jore, Kasten, Keenan, Kottel, Krenzler, McCulloch, McGee, Mood, Pease, Prouse, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Story, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.

Total 52

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Noes: Bankhead, Barnhart, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Ellingson, Ellis, Ewer, Feland, Gillan, Harper, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, Menahan, Mills, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rose, Sliter, Squires, Stovall, Swanson, Tash, Wiseman, Zook, Mr. Speaker.

Total 45

Voted Absentee: Ahner, Arnott, Bergman, Clark, Hurdle, Kottel, McCulloch, McGee, Pease, Sands, Smith, Taylor, Wyatt, Ayes; Ellingson, No.

Excused: H.S. Hanson, Molnar, Soft.

Total 3

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sliter moved that the Committee of the Whole report be adopted. Report adopted. (80-1)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 40 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Boharski, DeBruycker, Feland, Jore, Kasten, Orr, Prouse, Smith, Vick, Wagner.

Total 11

Voted Absentee: Ahner, Arnott, Ellingson, Hurdle, Kottel, McCulloch, McGee, Pease, Sands, Soft, Taylor, Wyatt, Ayes; Smith, No.

Excused: Bergman, Clark, H.S. Hanson, Molnar.

Total 4

Absent or not voting: None.

Total 0

HB 52 passed as follows:

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Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Arnott, Bankhead, Barnhart, Cobb, Ewer, Galvin, Grinde, Hurdle, J. Johnson, Ohs, Peck, Schmidt, Taylor, Tuss, Wyatt.

Total 15

Voted Absentee: Ahner, Ellingson, Kottel, McCulloch, McGee, Pease, Sands, Smith, Soft, Ayes; Arnott, Hurdle, Taylor, Wyatt, Noes.

Excused: Bergman, Clark, H.S. Hanson, Molnar.

Total 4

Absent or not voting: None.

Total 0

HB 122 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Adams, Arnott, Brainard, Carey, Denny, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Jore, Kottel, McCulloch, Pease, Ream, Ryan, Sands, Schmidt, Sliter, Squires, Swanson, Tuss, Vick, Whitehead, Wyatt.

Total 29

Voted Absentee: Ahner, McGee, Smith, Soft, Taylor, Ayes; Arnott, Ellingson, Hurdle, Kottel, McCulloch, Pease, Sands, Wyatt, Noes.

Excused: Bergman, Clark, H.S. Hanson, Molnar.

Total 4

Absent or not voting: None.

Total 0

HB 135 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Ahner, Arnott, Ellingson, Hurdle, Kottel, McCulloch, McGee, Pease, Sands, Smith, Soft, Taylor, Wyatt, Ayes.

Excused: Bergman, Clark, H.S. Hanson, Molnar.

Total 4

Absent or not voting: None.

Total 0

MOTIONS

HB 237 - Representative Grinde moved HB 237 be taken from the second reading board and rereferred to the Committee on Taxation. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 260: Representative Bitney, Representative Harper, Representative Whitehead, Representative Ewer.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 24, 1997. Motion carried.

House adjourned at 3:02 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana
January 24, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Swanson. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Molnar, Simpkins, Soft, Arnott, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/24/97
Correctly printed for second reading: HB 42, HB 76, HB 82, HB 120, HB 152, HB 164, HJR 4, SB 47.
Correctly engrossed for third reading: HB 53, HB 59, HB 65, HB 70, HB 107, HB 175.

AGRICULTURE (Barnett, Chairman): 1/24/97
HB 189, introduced bill, be amended as follows:

1. Title, line 5.
Following: "QUALIFIED"
Insert: "DEPUTY"
2. Title, line 7.
Following: "QUALIFIED"
Insert: "DEPUTY"
3. Title, line 8.
Following: "LIVESTOCK;"
Insert: "REVISING THE DEFINITION OF "LIVESTOCK" AS THE TERM IS USED WITH RESPECT TO
MARKS AND BRANDS;"
Following: "SECTIONS"
Strike: "81-1-201,"
4. Title, line 9.
Following: "81-3-201"
Strike: ", "
5. Page 1, lines 11 through 20.
Strike: the statement of intent in its entirety
6. Page 1, line 24 through page 2, line 7.
Strike: section 1 in its entirety
Renumber: subsequent sections
7. Page 2, lines 16 through 18.
Following: "sex" on line 16
Strike: the remainder of line 16 through "omnivores" on line 18
8. Page 2, line 21.

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Following: "qualified"

Insert: "deputy"

Following: "means"

Strike: "a state stock inspector or"

9. Page 2, line 22.

Following: "department"

Insert: ", under rules adopted"

Following: "pursuant to"

Strike: "81-1-201"

Insert: "81-3-202,"

10. Page 2, lines 23 and 24.

Following: "horse" on line 23

Strike: the remainder of line 23 through "livestock" on line 24

11. Page 4, line 17.

Strike: "other livestock"

Insert: "cattle"

12. Page 4, line 21.

Strike: "other livestock"

Insert: "cattle"

13. Page 4, line 23.

Strike: "other livestock"

Insert: "cattle"

14. Page 4, line 28.

Following: "state"

Insert: "state stock inspector or a"

Following: "qualified"

Insert: "deputy"

15. Page 4, line 30.

Following: "state"

Insert: "state stock inspector or a"

Following: "qualified"

Insert: "deputy"

16. Page 5, line 2.

Strike: "specially"

17. Page 5, line 3.

Strike: "qualified"

Insert: "state"

And, as amended, do pass. Report adopted.

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HB 269, introduced bill, do pass. Report adopted.

SB 53, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

1/23/97

HB 180, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PROFESSIONAL AND OCCUPATIONAL"

And, as amended, do pass. Report adopted.

HB 238, introduced bill, do pass. Report adopted.

HB 241, introduced bill, be amended as follows:

1. Title, line 6.

Following: "AND"

Insert: ", IF IT IS SUBJECT TO CERTAIN PROVISIONS OF THE INTERNAL REVENUE CODE,"

2. Page 1, line 25.

Following: "(h)"

Insert: "if the corporation is subject to the provisions of section 501(c)(3) of the Internal Revenue Code and is required to file a form 990 with the internal revenue service,"

3. Page 1, line 26.

Strike: "administrative costs"

Insert: "management and general costs and its fundraising expenses"

And, as amended, do pass. Report adopted.

HB 281, introduced bill, do pass. Report adopted.

HB 287, introduced bill, be amended as follows:

1. Title, lines 10 and 11.

Following: ";" on line 10

Strike: remainder of line 10 through ";" on line 11

2. Page 23, lines 20 and 21.

Strike: section 11 in its entirety

Renumber: subsequent sections

3. Page 23, line 23.

Strike: "(1)"

4. Page 23, lines 26 and 27.

Strike: subsection (2) in its entirety

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And, as amended, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

1/23/97

HB 184, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "DOG"

Insert: "ANIMAL"

Strike: "PHYSICALLY DISABLED"

Following: "PERSON"

Insert: "WITH A DISABILITY"

2. Title, line 6.

Strike: "DOG" in two places

Insert: "ANIMAL"

3. Title, line 8.

Strike: "DOG"

Insert: "ANIMAL"

4. Page 1, line 18.

Strike: the first "dog"

Insert: "animal"

Following: "a dog"

Insert: "or other animal or a bird "

5. Page 1, line 22.

Following: "dog"

Insert: "-- identification for service animals in training"

6. Page 1, lines 22, 24, 25, 26, 28 (in two places), and 30.

Page 2, line 1.

Strike: "dog"

Insert: "animal"

7. Page 1, line 24.

Page 2, line 2.

Strike: "dog"

Insert: "animal"

8. Page 1, lines 23 and 27.

Strike: "physically disabled"

Following: "person"

Insert: "with a disability"

9. Page 1, line 24.

Following: "training"

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Insert: "with identification complying with subsection (4)"

10. Page 1, line 25.

Strike: "physically disabled"

11. Page 1, line 26.

Following: "person"

Insert: "with a disability"

12. Page 1, line 29.

Strike: "physically disabled"

Following: "person"

Insert: "with a disability"

13. Page 2, lines 2 and 3.

Strike: "physically disabled"

Insert: "with a disability"

14. Page 2.

Following: line 3

Insert: "(4) For the purposes of this section, a service animal in training must wear identification identifying the animal as a service animal in training."

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):

1/24/97

HB 60, introduced bill, do pass. Report adopted.

HB 64, introduced bill, do pass. Report adopted.

HB 197, introduced bill, be amended as follows:

1. Page 1, line 22.

Following: "district,"

Insert: "as listed on the current property tax record,"

2. Page 1, line 23.

Strike: "assessment role"

Insert: "tax record"

3. Page 3, line 7.

Strike: "assessment on a property"

Insert: "average assessments within the maintenance district"

And, as amended, do pass. Report adopted.

HB 201, introduced bill, do pass. Report adopted.

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HB 255, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

1/22/97

HB 182, introduced bill, be amended as follows:

1. Title, line 7 through line 8.

Strike: "PROVIDING" on line 7 through "BALLOTS;" on line 8

2. Title, line 9 through line 10.

Strike: "REQUIRING" on line 9 through "INSTANCES;" on line 10

3. Title, line 11.

Strike: "13-13-241,"

4. Page 2, line 28.

Following: "administrator"

Insert: "may"

5. Page 2, line 29.

Strike: "shall"

6. Page 3, lines 4 and 5.

Strike: "must"

7. Page 3, line 11.

Strike: "or contains"

Insert: ", except that"

8. Page 3, line 12.

Following: "ballot"

Insert: "and that appears on the ballot does not constitute an error or omission"

9. Page 3, lines 22 through 27.

Strike: section 5 in its entirety

Renumber: subsequent sections

10. Page 4, lines 28 through 30 and page 5, lines 1 through 20.

Strike: section 8 in its entirety

Renumber: subsequent sections

11. Page 6, lines 9 through 13.

Strike: section 10 in its entirety

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/23/97

HB 87, introduced bill, do pass. Report adopted.

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HB 171, introduced bill, be amended as follows:

1. Page 1, line 15.

Strike: "in the"

Strike: "expendable trust fund type"

2. Page 1, line 16.

Following: "indemnity"

Insert: "trust"

3. Page 2, line 6.

Following: "grants."

Insert: "and"

4. Page 2, line 8.

Strike: " ; and "

Insert: " . "

5. Page 2, lines 9 and 10.

Strike: subsection (iv) in its entirety

6. Page 2, line 14.

Strike: "and "

7. Page 2, line 16.

Following: " ; "

Insert: " ; and

(iii) beginning in fiscal year 1996, \$500,000 to be deposited into the water storage state special revenue account created by 85-1-631"

8. Page 5, line 12.

Following: "account "

Insert: "under 15-38-202(2)(a)(ii)"

9. Page 7, line 2.

Strike: "and"

10. Page 7, line 3.

Following: "~~15-37-117(1)(e)~~"

Insert: "the metal mines license tax proceeds as provided in 15-37-117(1)(e); and
(d) the"

11. Page 7, line 4.

Following: "15-36-324"

Insert: "and 15-38-106"

And, as amended, do pass. Report adopted.

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MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

1/13/97

HB 30, introduced by Hayne

HB 57, introduced by DeBruycker

Senate bills passed and transmitted to the House for concurrence:

1/24/97

SB 44, introduced by Holden

SB 50, introduced by Keating

SB 59, introduced by Swysgood

SB 70, introduced by Gage

SB 72, introduced by Mesaros

SB 132, introduced by Mesaros

SB 161, introduced by Bartlett

SB 157, introduced by Grosfield, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 1/24/97 to the House with the following vote:

YEAS - 35

NAYS - 14

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 344, introduced by Peck, referred to Committee on Natural Resources.

HB 345, introduced by Masolo, referred to Committee on Business & Labor.

HB 346, introduced by Tropila, Rose, Ryan, Carey, McCann, referred to Committee on Judiciary.

HB 347, introduced by Lawson, Rose, Cocchiarella, Dowell, Waterman, Masolo, Ahner, Gillan, Grimes, Kitzenberg, DePratu, referred to Committee on Education.

HB 348, introduced by Harrington, referred to Committee on Taxation.

HB 349, introduced by Ewer, Marshall, R. Johnson, Arnott, Harper, Prouse, Mills, Grosfield, Hargrove, Barnett, McGee, Soft, Grimes, referred to Committee on Business & Labor.

HB 350, introduced by Beaudry, Ohs, Harrington, Menahan, Lynch, referred to Committee on Business & Labor.

HB 351, introduced by Bookout-Reinicke, Grinde, Stang, referred to Committee on Local Government.

The following Senate bills were introduced, read first time, and referred to committees:

SB 44, introduced by Holden, referred to Committee on Judiciary.

SB 50, introduced by Keating, referred to Committee on Natural Resources.

SB 59, introduced by Swysgood, referred to Committee on Natural Resources.

SB 70, introduced by Gage, (by request of the Office of Public Instruction) referred to Committee on Education.

SB 72, introduced by Mesaros, Cocchiarella, Orr, Grosfield, Doherty, Knox, Ryan, Brooke, (by request of the Environmental Quality Council) referred to Committee on Natural Resources.

SB 132, introduced by Mesaros, Rose, Grosfield, Tash, Beck, DeBruycker, Crismore, Taylor, referred to

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Committee on Agriculture.

SB 157, introduced by Grosfield, Tash, Peck, Hurdle, McGee, Ahner, Bartlett, Barnett, Marshall, Mills, Bohlinger, Hagener, Estrada, Waterman, Crippen, Simon, referred to Committee on Business & Labor.

SB 161, introduced by Bartlett, Clark, Tropila, Crippen, referred to Committee on Business & Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vick in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 294 - Representative Cobb moved HB 294 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Brainard, DeBruycker, Jore, Kasten, Prouse, Wagner.

Total 7

Voted Absentee: Arnott, Simpkins, Ayes.

Excused: Molnar, Soft.

Total 2

Absent or not voting: None.

Total 0

HJR 4 - Representative McCann moved HJR 4 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

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Noes: Bankhead, Masolo, Vick.

Total 3

Voted Absentee: Arnott, Simpkins, Ayes.

Excused: Molnar, Soft.

Total 2

Absent or not voting: None.

Total 0

HB 36 - Representative Ewer moved HB 36 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Boharski, Brainard, Jore, Keenan, Prouse.

Total 6

Voted Absentee: Arnott, Simpkins, Ayes.

Excused: Molnar, Soft.

Total 2

Absent or not voting: None.

Total 0

HB 89 - Representative Kottel moved HB 89 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Bankhead, DeBruycker, Grimes, Jore, Kasten, Masolo, Prouse, Smith, Wagner, Wells.

Total 11

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Voted Absentee: Arnott, Simpkins, Soft, Ayes.

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 96 - Representative R. Johnson moved HB 96 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Brainard, Jore, Peck, Simpson.

Total 4

Voted Absentee: Arnott, Simpkins, Ayes.

Excused: Molnar, Soft.

Total 2

Absent or not voting: Clark.

Total 1

HB 211 - Representative Rose moved HB 211 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Smith.

Total 1

Voted Absentee: Arnott, Simpkins, Soft, Ayes.

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Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

HB 162 - Representative Denny moved HB 162 do pass. Motion carried as follows:

Ayes: Arnott, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Squires, Stovall, Swanson, Taylor, Vick, Walters, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 63

Noes: Adams, Ahner, Anderson, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Ellis, Feland, Galvin, Holland, Jore, Kasten, Keenan, Krenzler, McCann, McGee, Orr, Pease, Rehbein, Simpson, Story, Tash, Trexler, Tropila, Tuss, Wagner, Wells, Zook.

Total 35

Voted Absentee: Arnott, Simpkins, Ayes.

Excused: Molnar, Soft.

Total 2

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Vick moved that the Committee of the Whole report be adopted. Report adopted. (92-1)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 53 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 74

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Noes: Adams, Arnott, Bankhead, Barnett, Beaudry, Bergman, Brainard, Clark, Ellis, Hayne, Holland, Jore, Keenan, Knox, Mood, Orr, Prouse, Rehbein, Stovall, Taylor, Vick, Wagner, Zook.
Total 23

Voted Absentee: Simpkins, Aye; Arnott, No.

Excused: Molnar, Soft.
Total 2

Absent or not voting: Boharski.
Total 1

HB 59 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Arnott, Simpkins, Soft, Ayes.

Excused: Molnar.
Total 1

Absent or not voting: Orr.
Total 1

HB 70 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Arnott, Bergsagel, Cobb, DeBruycker, McCann, Rehbein.

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Total 6

Voted Absentee: Simpkins, Aye; Arnott, No.

Excused: Molnar, Soft.

Total 2

Absent or not voting: Galvin, Tropila.

Total 2

HB 107 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Brainard, Hagener, Jore, Orr, Tuss, Wagner, Wells.

Total 8

Voted Absentee: Arnott, Simpkins, Ayes.

Excused: Molnar, Soft.

Total 2

Absent or not voting: Kitzenberg.

Total 1

HB 175 failed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bitney, Boharski, Carey, DeBruycker, Ellingson, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Heavy Runner, Hibbard, Jore, Kasten, Keenan, Kottel, Krenzler, McCulloch, McGee, Menahan, Mood, Pease, Peck, Prouse, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Story, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells.

Total 48

Noes: Bankhead, Barnhart, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Gillan, Grady, M. Hanson, Harper, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, Mills, Ohs, Orr, Pavlovich, Quilici, Raney, Rose, Simpson, Sliter, Smith, Squires, Stovall, Swanson, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 50

Voted Absentee: Arnott, Simpkins, Ayes.

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Excused: Molnar, Soft.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

HB 281 - Representative Grinde moved HB 281 be taken from the second reading board and rereferred to the Committee on Appropriations. Representative Ryan concurred. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 142:
Senator Christiaens, Senator Hertel, Representative Ream.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, January 25, 1997. Motion carried.

House adjourned at 1:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana
January 25, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Tash. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Arnott, Grady, Grimes, Soft, Simpkins, McCann, Molnar, Ewer, Raney, Orr, excused. Quorum present.

Mr. Speaker introduced Romalie Murphy as honorary page for the day.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/25/97

Correctly printed for second reading: HB 64, HB 87, HB 171, HB 180, HB 182, HB 184, HB 189, HB 60, HB 197, HB 201, HB 238, HB 241, HB 255, HB 269, HB 281, HB 287, SB 53.

Correctly engrossed for third reading: HB 36, HB 89, HB 96, HB 162, HB 211, HB 294, HJR 4.

Correctly enrolled: HB 30, HB 57.

Examined by the sponsor and found to be correct: HB 30, HB 57.

Signed by the Speaker at 11:50 a.m., 1/25/97: HB 30, HB 57.

APPROPRIATIONS (Zook, Chairman):

1/24/97

HB 4, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: line 26

Insert: "Job Service Division

Trade Adjustment Act

1997

\$1,265,000

Federal Special

All remaining fiscal year 1997 federal budget amendment authority for the Trade Adjustment Act is authorized to continue into fiscal year 1998."

2. Page 2, line 4.

Following: "mitigation"

Strike: "is"

Insert: ", pallid sturgeon, and Jocko hatchery are"

3. Page 2, line 5.

Following: line 4

Insert: "Field Services

Game Damage Costs

1997

175,000

State Special

Wildlife Division

Predator Control

1997

58,342

State Special

All remaining fiscal year 1997 state special budget amendment authority for predator control is authorized to continue into fiscal year 1998."

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4. Page 2, line 30.

Following: line 29

Insert: "DEPARTMENT OF LIVESTOCK

Disease Control

Disease Control - Bison	1997	185,000	State Special
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DEPARTMENT OF ADMINISTRATION

Accounting and Management Support Division

Taylor Grazing Fees	1997	243,993	Federal Special
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DEPARTMENT OF ENVIRONMENTAL QUALITY

Remediation Division

Abandoned Mines Cleanup	1997	2,675,000	Federal Special
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Planning Prevention and Assistance

EPA/Drinking Water	1997	85,000	Federal Special
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EPA/Zortman/Landusky Water Quality	1997	90,000	Federal Special
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All remaining fiscal year 1997 federal special budget amendment authority for the Zortman/Landusky mine water quality violation is authorized to continue into fiscal year 1998.

DEPARTMENT OF MILITARY AFFAIRS

Army National Guard Division

Environmental Increase	1997	230,000	Federal Special
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Quality of Life	1997	570,000	Federal Special
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All remaining fiscal year 1997 federal special budget amendment authority for the quality of life is authorized to continue into fiscal year 1998."

And, as amended, do pass. Report adopted.

HB 9, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "(3),"

Insert: "(4), and"

2. Page 1, line 15.

Strike: "(5), and fourth to the project listed in subsection (4)"

Insert: "(3)"

3. Page 1, line 18.

Strike: "(5)"

Insert: "(4)"

4. Page 1, lines 19 through 22.

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Strike: lines 19 through 22 in their entirety.

Renumber: subsequent subsections

5. Page 1, line 28.

Following: "restoration."

Insert: "It is the legislature's intent that this \$95,000 appropriation be used only to renovate and restore artifacts received by the state of Montana that were previously removed from the capitol building."

6. Page 2, line 4.

Strike: "4,500"

Insert: "4,000"

7. Page 2, line 5.

Strike: "2,886"

Insert: "2,500"

8. Page 2, line 6.

Strike: "4,500"

Insert: "4,000"

9. Page 2, line 7.

Strike: "2,886"

Insert: "2,000"

10. Page 2, line 8.

Strike: "4,329"

Insert: "4,000"

11. Page 2, line 9.

Strike: "4,329"

Insert: "4,000"

12. Page 2, line 10.

Strike: "2,600"

Insert: "2,500"

13. Page 2, line 12.

Strike: "2,165"

Insert: "2,000"

14. Page 2, line 17.

Strike: "18,000"

Insert: "15,000"

15. Page 2, line 19.

Strike: "23,089"

Insert: "20,000"

16. Page 2, line 21.

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Strike: "28,573"
Insert: "28,000"

17. Page 2, line 22.
Strike: "28,861"
Insert: "28,000"

18. Page 2, line 24.
Strike: "43,292"
Insert: "40,000"

19. Page 2, line 25.
Strike: "40,406"
Insert: "40,000"

20. Page 2, line 26.
Strike: "14,431"
Insert: "14,000"

21. Page 2, line 27.
Strike: "28,861"
Insert: "30,000"

22. Page 2, line 28.
Strike: "25,975"
Insert: "25,000"

23. Page 2, line 29.
Strike: "14,431"
Insert: "14,000"

24. Page 2, line 30.
Strike: "8,800"
Insert: "7,000"

25. Page 3, line 1.
Strike: "5,772"
Insert: "6,000"

26. Page 3, line 3.
Strike: "12,266"
Insert: "12,000"

27. Page 3, line 4.
Strike: "14,431"
Insert: "14,000"

28. Page 3, line 5.
Strike: "11,354"

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Insert: "11,000"

29. Page 3, line 6.

Strike: "8,658"

Insert: "6,000"

30. Page 3, line 7.

Strike: "18,038"

Insert: "18,000"

31. Page 3, line 8.

Strike: "14,431"

Insert: "15,000"

32. Page 3, line 10.

Strike: "17,317"

Insert: "17,000"

33. Page 3, line 12.

Strike: "7,215"

Insert: "7,000"

34. Page 3, line 13.

Strike: "23,089"

Insert: "23,000"

35. Page 3, line 14.

Strike: "4,329"

Insert: "4,000"

36. Page 3, line 15.

Strike: "4,500"

Insert: "4,000"

37. Page 3, line 16.

Strike: "8,658"

Insert: "8,000"

38. Page 3, line 17.

Strike: "11,544"

Insert: "12,000"

39. Page 3, line 18.

Strike: "7,215"

Insert: "7,000"

40. Page 3, line 19.

Strike: "7,215"

Insert: "7,000"

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41. Page 3, line 21.

Strike: "4,329"

Insert: "3,000"

42. Page 3, line 23.

Strike: "21,646"

Insert: "21,000"

43. Page 3, line 24.

Strike: "23,089"

Insert: "10,000"

44. Page 3, line 25.

Strike: "14,431"

Insert: "10,000"

45. Page 3, line 27.

Strike: "7,215"

Insert: "7,000"

46. Page 3, line 28.

Strike: "4,329"

Insert: "0"

47. Page 3, line 29.

Strike: "11,544"

Insert: "11,000"

48. Page 3, line 30.

Strike: "4,502"

Insert: "0"

49. Page 4, line 1.

Strike: line 1 in its entirety

50. Page 4, line 3.

Strike: "10,101"

Insert: "10,000"

51. Page 4, line 4.

Strike: "5,051"

Insert: "5,000"

52. Page 4, line 13.

Strike: "31,747"

Insert: "31,000"

53. Page 4, line 14.

Strike: "18,038"

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Insert: "18,000"

54. Page 4, line 16.

Strike: "21,646"

Insert: "22,000"

55. Page 4, line 18.

Strike: "12,988"

Insert: "13,000"

56. Page 4, line 20.

Strike: "8,658"

Insert: "8,000"

57. Page 4, line 22.

Strike: "14,431"

Insert: "15,000"

58. Page 4, line 23.

Strike: "7,215"

Insert: "7,500"

59. Page 4, line 25.

Strike: "\$28,861"

Insert: "\$0"

60. Page 4, line 26.

Strike: "43,292"

Insert: "43,000"

61. Page 4, line 27.

Strike: "28,861"

Insert: "28,000"

62. Page 5, line 6.

Strike: "5,772"

Insert: "5,700"

63. Page 5, line 8.

Strike: "5,772"

Insert: "5,700"

64. Page 5, line 9.

Strike: "32,469"

Insert: "32,000"

65. Page 5, line 10.

Strike: "18,038"

Insert: "18,000"

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66. Page 5, line 12.

Strike: "\$7,215"

Insert: "\$15,000"

67. Page 5, lines 13, 15, and 16.

Strike: "7,215"

Insert: "0"

68. Page 5, following line 16.

Insert: "(5) It is the legislature's intent that the appropriation of cultural and aesthetics funding for the projects listed in subsection (4) and funds appropriated to the Montana arts council in House Bill No. 2 be used only for projects that are appropriate for audiences of all ages. It is not intended that children's projects be excluded; however, funds are not to be used to fund projects that would be appropriate only for mature or adult audiences."

Renumber: subsequent subsection

69. Page 5, line 18.

Strike: "(5)"

Insert: "(4)"

70. Page 5, line 20.

Strike: "(5)"

Insert: "(4)"

71. Page 5, lines 22 through 25.

Strike: "(1)" on line 22 through "(2)" on line 25

And, as amended, do pass. Report adopted.

HB 12, introduced bill, be amended as follows:

1. Page 2.

Strike: lines 14 and 15 in their entirety.

2. Page 2, following line 30.

Insert: "(4) The department of environmental quality shall encourage and use, when appropriate, performance contracting and guaranteed savings arrangements with private energy service companies. These arrangements must be coordinated by the departments of environmental quality and administration. Agencies may arrange financing other than state bonds for energy efficiency improvements in buildings supported by student fees and revenue. Whenever these improvements are financed in whole or in part using state general obligation bonds, resulting energy cost savings must be transferred to the energy conservation program account as provided in 90-4-614. Whenever these improvements are financed in whole or in part using other state financing, including revenue bonds and the intercap program operated by the board of investments, resulting energy cost savings in excess of debt service, as determined by the department of environmental quality, must be transferred to the energy conservation program account as provided in 90-4-614. Whenever these improvements are financed entirely by private sources, the financing terms for these buildings must be provided for in a performance contract developed jointly by the agency and the departments of environmental quality and administration, and any resulting energy cost

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savings in these buildings in excess of debt service and program costs may not be transferred from the agency's budget."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

1/24/97

HB 172, introduced bill, be amended as follows:

1. Page 9.

Following: line 7

Insert: "(10) "Short-term worker" means a short-term worker as defined in 2-18-101."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 266, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "STATE,"

Following: "COUNTY"

Strike: ", "

2. Title, line 6.

Strike: "DETERMINE PLUMBER AND ELECTRICIAN LICENSE COMPLIANCE"

Insert: "REQUIRE PROOF OF LICENSURE FOR ANY PERSON INVOLVED WITH PLUMBING OR ELECTRICAL WORK"

3. Title, line 7.

Following: "TO THE"

Insert: "INSPECTOR'S EMPLOYING AGENCY; REQUIRING EACH EMPLOYING AGENCY TO REPORT LICENSE VIOLATIONS TO THE"

4. Page 1, line 13.

Strike: "Inspection by department"

Insert: "Inspections"

5. Page 1, line 14.

Following: "its"

Strike: "any"

Insert: "an"

Following: "representative"

Insert: "or a municipality or county certified to perform an inspection pursuant to 50-60-302 in order"

6. Page 1, lines 15 through 18.

Following: "code." on line 15

Strike: the remainder of lines 15 through 18 in their entirety

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Insert: "As part of any inspection, the inspector shall request proof of licensure from any person who is involved with or, in the inspector's judgment, appears to be involved with plumbing activities on the site. The inspector shall report any instance of license violation to the inspector's employing agency and the employing agency shall in turn report the violation to the board of plumbers."

7. Page 1, line 21.

Strike: "Department to make inspections, issue inspection tags, and establish fees"

Insert: "Inspections -- electrical permits -- fees"

8. Page 1, line 22.

Following: "or"

Strike: "any"

Insert: "an"

Following: "representative"

Insert: "or a municipality or county certified to perform an inspection pursuant to 50-60-302"

9. Page 1, line 23.

Following: "issue"

Strike: "inspection tags"

Insert: "electrical permits"

10. Page 1, lines 24 through 27.

Following: "inspection."

Strike: the remainder of lines 24 through 27 in their entirety

Insert: "As part of any inspection, the inspector shall require proof of licensure from any person who is involved with or, in the inspector's judgment, appears to be involved with electrical installations on the site. The inspector shall report any instance of license violation to the inspector's employing agency, and the employing agency shall in turn report the violation to the board of electricians."

And, as amended, do pass. Report adopted.

HB 286, introduced bill, be amended as follows:

1. Title, line 7.

Following: "CODE;"

Insert: "EXCEPTING PRIVATE RESIDENCES AND FARM AND RANCH OPERATIONS FROM THE REQUIREMENT;"

2. Page 2, line 6.

Insert: "(4) This section does not apply to private residences or to farm and ranch operations."

And, as amended, do pass. Report adopted.

SB 58, be amended as follows:

1. Title, line 9.

Strike: "AND"

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2. Title, line 10.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 2, following line 6.

Insert: "NEW SECTION. Section 4. Applicability. [This act] applies to credit cards or similar loan advance access devices issued after [the effective date of this act]."

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1997."

And, as amended, be concurred in. Report adopted.

SB 135, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

1/24/97

HB 111, introduced bill, be amended as follows:

1. Page 13, line 18.

Following: line 17

Insert: "(3) "Personality disorder" means a personality disorder as defined in the fourth edition of the diagnostic and statistical manual of mental disorders adopted by the American psychiatric association."

Renumber: subsequent subsections

2. Page 13, line 18.

Following: the second "offense"

Insert: "committed against a stranger or"

3. Page 13, line 19.

Strike: "or against a stranger"

4. Page 13, line 27.

Strike: "(5)(a)"

Insert: "(6)(a)"

5. Page 14, line 9.

Strike: "(8)(a)"

Insert: "(9)(a)"

6. Page 15, line 9.

Strike: "or"

Insert: "must be with the probation office having supervision over the offender. Registration under subsection"

7. Page 15, line 10.

Strike: "the"

Insert: "an"

Following: "with"

Insert: "under subsection (1)(c)"

8. Page 15, line 25.

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Following: "registration."

Insert: "The department of justice may adopt a rule establishing fees to cover registration costs incurred by the department of justice in maintaining registration and address verification records. The fees must be deposited in the general fund."

9. Page 16, line 4.

Strike: "law enforcement" in both places on line 4

10. Page 16, lines 5 and 6.

Strike: "and the" on line 5 through "photograph" on line 6

11. Page 16, lines 7 and 8.

Following: "address" on line 7

Strike: ", "

Strike: "fingerprints," on line 8

12. Page 19, line 10.

Insert: "(4)(a) An offender designated as a level 2 or level 3 offender may petition the sentencing court to change the offender's designation if the offender has enrolled in and successfully completed the treatment phase of either the prison's sexual offender program or of an equivalent program approved by the department. After considering the petition, the court may change the offender's risk level designation if the court finds by clear and convincing evidence that the offender's risk of committing a repeat sexual offense has changed since the time sentence was imposed. The court shall impose one of the three risk levels specified in this section."

13. Page 19, line 17.

Following: "negligence"

Insert: ", except gross negligence or willful or wanton misconduct,"

14. Page 19, line 18.

Following: line 17

Insert: "good faith"

Following: "of or"

Insert: "good faith"

15. Page 19, line 26.

Strike: "[section 14]"

Insert: "[this act]"

16. Page 19, line 28.

Following: "passage"

Insert: "of [this act]"

And, as amended, do pass. Report adopted.

HB 137, introduced bill, be amended as follows:

1. Page 1, line 20.

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Strike: "; or"

Insert: ". This subsection (2)(a) applies to a death caused by terminal illness only if the person was under medical care at the time of death."

And, as amended, do pass. Report adopted.

HB 168, introduced bill, be amended as follows:

1. Page 2, line 28.

Page 3, line 15.

Page 11, line 30.

Page 23, line 7.

Page 24, line 23.

Page 27, line 23

Strike: "may"

Insert: "shall"

2. Page 11, line 27.

Strike: "be scheduled within 20 days. The hearing must"

3. Page 12, line 30.

Strike: "Within 20 days of the hearing, the"

Insert: "The"

4. Page 18, line 1.

Strike: "at least 60 days before ~~the~~ a hearing"

5. Page 18, line 29.

Following: "(4)"

Insert: "(a)"

6. Page 19, line 3.

Following: line 2

Insert: "(b) A proposed modification consent order or notice of proposed modification becomes final 30 days after issuance unless during that period a party files with the department a written request for further administrative proceedings.

(c) The department shall grant a modification hearing if it receives a timely written request by a party aggrieved by the department's determination. The hearing is subject to the provisions of this section relating to a review. The department may adopt rules regulating the fair and efficient conduct of the hearing. Unless the department determines under department rules that an in-person hearing is necessary, the hearing must be conducted by teleconferencing methods."

7. Page 27, line 19.

Strike: "within 15 days"

Strike: "the date of"

And, as amended, do pass. Report adopted.

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STATE ADMINISTRATION (Denny, Chairman):

1/24/97

HB 90, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "repeals"

Insert: "or extends"

And, as amended, do pass. Report adopted.

HB 91, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "REMOVING"

Insert: "EXTENDING"

2. Title, line 6.

Strike: "REPEALING"

Insert: "AMENDING"

3. Page 1, line 11.

Strike: Section 1 in its entirety

Insert: "Section 4. Section 9, Chapter 549, Laws of 1993, is amended to read:

"Section 9. Termination. [This act] terminates June 30, ~~1995~~ 1999."

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/24/97

HB 210, introduced bill, be amended as follows:

1. Page 10, line 25.

Following: "(a)"

Insert: "for each fiscal year through the fiscal year ending June 30, 2007:

(i)"

2. Page 10, line 28.

Strike: "(b)"

Insert: "(ii)"

3. Page 10, line 29.

Following: "population"

Insert: "; and

(b) for fiscal years beginning after June 30, 2007, 100% of the balance of the account must be allocated to cities and counties on a per capita basis. However, each county must be allocated a minimum of 1% of the balance of the counties' share of the account"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

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Senate bills passed and transmitted to the House for concurrence:

1/24/97

SB 26, introduced by Cole
SB 32, introduced by Halligan
SB 46, introduced by Sprague
SB 81, introduced by Swysgood
SB 92, introduced by Eck
SB 106, introduced by Van Valkenburg
SB 107, introduced by Beck
SB 119, introduced by Cole
SB 142, introduced by Jabs
SB 145, introduced by Bishop
SB 158, introduced by Estrada
SB 160, introduced by Bartlett

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 352, introduced by Sliter, Beaudry, Grinde, Bitney, Heavy Runner, Benedict, Holland, Rehbein, Foster, Lynch, McGee, Glaser, Tash, Jore, Mills, Ryan, Cobb, Simon, Knox, Raney, Beck, Walters, Mood, Wells, Baer, Holden, Wiseman, Gage, Estrada, McCann, Brainard, Grosfield, Devlin, Swysgood, Quilici, Zook, Keenan, Keating, Barnett, Mahlum, Jabs, DeBruycker, Jenkins, Hertel, Clark, Orr, Curtiss, Prouse, Mercer, Anderson, Ohs, Peck, Wagner, Story, Crismore, Aklestad, Sprague, Mohl, Pavlovich, Devaney, Stovall, Thomas, Emerson, Mesaros, DePratu, Stang, Taylor, referred to Committee on Judiciary.
HB 353, introduced by Bohlinger, referred to Committee on Transportation.
HB 354, introduced by Cobb, referred to Committee on Appropriations.
HB 355, introduced by Harrington, Bowman Shea, Tuss, Pavlovich, Tropila, Squires, Quilici, Dowell, Gillan, Galvin, Pease, Wyatt, Carey, Lynch, Kottel, Schmidt, Menahan, Franklin, Simon, Ryan, Swanson, Simpson, Hurdle, referred to Committee on Business & Labor.
HB 356, introduced by Cobb, referred to Committee on Appropriations.
HB 357, introduced by Wells, Boharski, Mood, McGee, Kitzenberg, Prouse, Bergman, Sprague, Bitney, Bankhead, Walters, Jore, Brainard, Adams, Emerson, Tash, referred to Committee on Business & Labor.
HB 358, introduced by Keenan, (by request of the House General Government and Transportation Subcommittee on Appropriations) referred to Committee on Appropriations.
HB 359, introduced by Kasten, McCann, DeBruycker, Bergsagel, Barnhart, McNutt, Cobb, Feland, Peck, J. Johnson, referred to Committee on Human Services.
HB 360, introduced by Menahan, Wagner, Sliter, Harper, Pavlovich, Mesaros, McCarthy, Harrington, Simon, Hibbard, Wilson, (by request of the House Fish, Wildlife, and Parks Committee) referred to Committee on Fish, Wildlife, & Parks.
HB 361, introduced by Harper, Ahner, referred to Committee on State Administration.
HB 362, introduced by Anderson, (by request of the House Committee on Transportation) referred to Committee on Transportation.
HB 363, introduced by Anderson, (by request of the House Transportation Committee) referred to Committee on Transportation.

The following Senate bills were introduced, read first time, and referred to committees:

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SB 26, introduced by Cole, (by request of the Revenue Oversight Committee) referred to Committee on Taxation.
SB 32, introduced by Halligan, referred to Committee on Judiciary.
SB 46, introduced by Sprague, referred to Committee on Judiciary.
SB 81, introduced by Swysgood, (by request of the Department of Justice) referred to Committee on Transportation.
SB 92, introduced by Eck, (by request of the Joint Oversight Committee on Children and Families) referred to Committee on Judiciary.
SB 106, introduced by Van Valkenburg, (by request of the Department of Justice) referred to Committee on Judiciary.
SB 107, introduced by Beck, (by request of the Department of Agriculture) referred to Committee on Agriculture.
SB 119, introduced by Cole, (by request of the Department of Revenue) referred to Committee on Taxation.
SB 142, introduced by Jabs, referred to Committee on Judiciary.
SB 145, introduced by Bishop, referred to Committee on Judiciary.
SB 158, introduced by Estrada, Arnott, Halligan, Crippen, referred to Committee on Judiciary.
SB 160, introduced by Bartlett, Estrada, Brooke, Ellingson, Masolo, Waterman, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 255 - Representative Lawson moved HB 255 do pass.

Representative Brainard moved HB 255, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Following: "ESTABLISH"

Strike: "TOBACCO-FREE OR"

2. Page 1, line 21.

Following: "as"

Strike: "tobacco-free or"

Amendment #1 passed as follows:

Ayes: Adams, Anderson, Bankhead, Bergman, Boharski, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Feland, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, McCulloch, McGee, Mood, Pavlovich, Quilici, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Zook.

Total 56

Noes: Ahner, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Dowell, Ellingson, Ellis, Galvin, Gillan, Heavy Runner, Holland, Hurdle, Kitzenberg, Lawson, Marshall, Masolo, Menahan, Mills, Ohs, Pease,

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Peck, Prouse, Rose, Sliter, Story, Vick, Walters, Wiseman, Wyatt, Mr. Speaker.
Total 34

Excused: Arnott, Ewer, Grady, Grimes, McCann, Molnar, Orr, Raney, Simpkins, Soft.
Total 10

Absent or not voting: None.
Total 0

Motion that HB 255 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 90

Noes: Barnhart, Grady, Harper, Hurdle, Rehbein, Tropila, Wyatt.
Total 7

Voted Absentee: Ewer, Grimes, McCann, Orr, Raney, Soft, Ayes; Grady, No.

Excused: Arnott, Molnar, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 87 - Representative M. Hanson moved HB 87 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Boharski, Brainard, Curtiss, Denny, Grinde, McGee, Prouse, Wagner.
Total 9

Voted Absentee: Ewer, Grady, Grimes, McCann, Orr, Raney, Soft, Ayes.

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Excused: Arnott, Molnar, Simpkins.
Total 3

Absent or not voting: None.
Total 0

HB 201 - Representative Krenzler moved HB 201 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 75

Noes: Bankhead, Boharski, Brainard, Denny, Feland, Grinde, M. Hanson, Jore, Knox, Marshall, McGee, Ohs, Orr, Prouse, Rehbein, Rose, Sliter, Taylor, Vick, Wells, Wyatt.
Total 21

Voted Absentee: Ewer, Grimes, McCann, Raney, Soft, Ayes; Orr, No.

Excused: Arnott, Grady, Molnar, Simpkins.
Total 4

Absent or not voting: None.
Total 0

HB 227 - Representative Kottel moved HB 227 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Grinde.
Total 1

Voted Absentee: Arnott, Grimes, McCann, Orr, Raney, Soft, Ayes.

Excused: Ewer, Grady, Molnar, Simpkins.
Total 4

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Absent or not voting: H.S. Hanson, Hibbard.

Total 2

HB 120 - Representative Rose moved HB 120 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Orr, Raney, Soft, Ayes.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: Keenan.

Total 1

HB 152 - Representative Grinde moved consideration of HB 152 be passed for the day. Motion carried.

HB 238 - Representative Peck moved HB 238 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Ewer, Grady, Grimes, McCann, Orr, Raney, Soft, Ayes.

Excused: Arnott, Molnar, Simpkins.

Total 3

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Absent or not voting: None.
Total 0

HB 164 - Representative Tuss moved HB 164 do pass.

Representative Pavlovich moved HB 164, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Strike: "DENTURISTS."

2. Title, line 11.

Strike: "37-29-303."

3. Title, lines 19 and 20.

Following: "MCA"

Strike: remainder of line 19 through "DATE" on line 20

4. Page 1, line 30.

Page 34, line 2.

Strike: "39 AND 40"

Insert: "38 and 39"

5. Page 17, line 29 through line 18 on page 18.

Strike: section 25 in its entirety

Renumber: subsequent sections

6. Page 33, line 30.

Page 34, line 1.

Strike: "38"

Insert: "37"

7. Page 34, lines 3 and 4.

Following: "~~40 and 41~~"

Strike: remainder of line 3 through 40 on line 4.

Insert: "38 and 39"

8. Page 34, line 19.

Strike: section 47 in its entirety

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 78

Noes: Adams, Bankhead, Barnett, Boharski, Feland, Grinde, Jore, Keenan, Marshall, Prouse, Smith, Taylor, Vick, Wells.

Total 14

Voted Absentee: Grimes, Simpkins, Soft, Ayes.

Excused: Arnott, Ewer, Grady, McCann, Molnar, Orr, Raney.

Total 7

Absent or not voting: Trexler.

Total 1

Motion that HB 164 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Han'son, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Curtiss, Denny, Vick.

Total 3

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Orr, Raney, Soft, Ayes.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: None.

Total 0

HB 76 - Representative Masolo moved HB 76 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

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Noes: Adams, Feland, Heavy Runner, Hurdle, Jore, Keenan, Lawson, Prouse, Rehbein, Vick.
Total 10

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Orr, Raney, Ayes.

Excused: Molnar, Simpkins, Soft.
Total 3

Absent or not voting: None.
Total 0

HB 82 - Representative Hibbard moved HB 82 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 85

Noes: Bankhead, Boharski, Brainard, Curtiss, Feland, Heavy Runner, Jore, Orr, Raney, Smith, Vick, Wagner, Wyatt.
Total 13

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Soft, Ayes; Orr, Raney, Noes.

Excused: Molnar, Simpkins.
Total 2

Absent or not voting: None.
Total 0

HB 98 - Representative Clark moved HB 98 do pass.

Representative Boharski moved HB 98, second reading copy, be amended (amendment #1). Amendment #1 failed: (41-53)

Motion to pass HB 98 carried as follows:

Ayes: Anderson, Arnott, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Curtiss, DeBruycker, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Peck, Quilici, Rose, Schmidt, Simon, Simpson, Smith, Soft, Story, Stovall, Tash, Trexler, Walters, Whitehead, Wiseman.
Total 57

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Noes: Adams, Ahner, Bankhead, Barnett, Boharski, Brainard, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Galvin, Grinde, M. Hanson, Harper, Heavy Runner, Hurdle, Jore, Krenzler, Lawson, McCulloch, Ohs, Pease, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Sliter, Squires, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wyatt, Zook, Mr. Speaker.

Total 41

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Orr, Soft, Ayes; Raney, No.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: None.

Total 0

HB 69 - Representative Hagener moved HB 69 do pass. Motion carried as follows:

Ayes: Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCulloch, Menahan, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Grimes, Grinde, Jore, Kasten, Keenan, Lawson, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Rehbein, Sliter, Vick, Wagner, Wells.

Total 32

Voted Absentee: Ewer, Grady, Raney, Soft, Ayes; Arnott, Grimes, McCann, Ohs, Orr, Noes.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: Harper, Simpson, Squires.

Total 3

HB 60 - Representative Rose moved HB 60 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

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Noes: Adams, Brainard, Jore.
Total 3

Voted Absentee: Ewer, Grady, Grimes, McCann, Ohs, Orr, Raney, Soft, Ayes.

Excused: Arnott, Molnar, Simpkins.
Total 3

Absent or not voting: Grinde.
Total 1

HB 42 - Representative Cobb moved HB 42 do pass.

Representative Harper moved HB 42, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 21.
Following: "EVIDENCE"
Strike: "MAY"
Insert: "must"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Feland, Galvin, Gillan, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Hayne.
Total 1

Excused: Arnott, Ewer, Grady, Grimes, McCann, Molnar, Orr, Raney, Simpkins, Soft.
Total 10

Absent or not voting: Ellis, Kitzenberg, Ohs.
Total 3

Motion that HB 42 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands,

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Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: None.
Total 0

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Ohs, Orr, Raney, Soft, Ayes.

Excused: Molnar, Simpkins.
Total 2

Absent or not voting: Devaney.
Total 1

HB 66 - Representative Cocchiarella moved HB 66 do pass.

Representative Pavlovich motioned for cloture on discussion of HB 66. Motion carried.

Motion to pass HB 66 carried as follows:

Ayes: Ahner, Barnhart, Bergsagel, Bohlinger, Bookout, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt.
Total 54

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, McGee, Mills, Mood, Orr, Prouse, Rehbein, Sliter, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.
Total 44

Voted Absentee: Ewer, Grady, Grimes, McCann, Ohs, Raney, Soft, Ayes; Arnott, Orr, Noes.

Excused: Molnar, Simpkins.
Total 2

Absent or not voting: None.
Total 0

SB 47 - Representative Harper moved SB 47 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten,

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Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Ohs, Orr, Raney, Soft, Ayes.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: Barnhart.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harrington moved that the Committee of the Whole report be adopted. Report adopted. (79-9)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 36 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Boharski, Brainard, Grinde, Jore, Keenan.

Total 6

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Ohs, Orr, Raney, Soft, Ayes.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: None.

Total 0

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HB 65 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Curtiss.

Total 1

Voted Absentee: Arnott, Grimes, McCann, Orr, Raney, Soft, Ayes.

Excused: Ewer, Grady, Molnar, Simpkins.

Total 4

Absent or not voting: Ohs.

Total 1

HB 89 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Bankhead, DeBruycker, Devaney, Grimes, Jore, Kasten, Masolo, Prouse, Simon, Smith, Wagner, Wells.

Total 13

Voted Absentee: Arnott, Ewer, Grady, McCann, Ohs, Orr, Raney, Soft, Ayes; Grimes, No.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: None.

Total 0

HB 96 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Brainard, Jore, Peck, Prouse, Simpson.

Total 5

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Ohs, Orr, Raney, Soft, Ayes.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: Clark, Ellis.

Total 2

HB 162 passed as follows:

Ayes: Arnott, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ewer, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Taylor, Walters, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 65

Noes: Adams, Ahner, Anderson, Bankhead, Bergsagel, Boharski, Brainard, Clark, Cobb, DeBruycker, Ellis, Feland, Galvin, Holland, Jore, Kasten, Keenan, Krenzler, Masolo, McCann, McGee, Orr, Rehbein, Story, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Zook.

Total 32

Voted Absentee: Arnott, Ewer, Grady, Grimes, Ohs, Raney, Soft, Ayes, McCann, Orr, Noes.

Excused: Molnar, Simpkins.

Total 2

Absent or not voting: Devaney.

Total 1

HB 211 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney,

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Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Arnott, Ewer, Grady, Grimes, McCann, Ohs, Orr, Raney, Ayes.

Excused: Molnar, Simpkins, Soft.

Total 3

Absent or not voting: None.

Total 0

HB 294 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, DeBruycker, Jore, Kasten, Smith, Wagner.

Total 6

Voted Absentee: Arnott, Ewer, Grady, McCann, Ohs, Orr, Raney, Ayes.

Excused: Grimes, Molnar, Simpkins, Soft.

Total 4

Absent or not voting: Ellis.

Total 1

MOTIONS

HB 96 - Representative Clark moved he be allowed to change his vote on HB 96, third reading, from aye to abstain.
Motion carried.

HB 175 - Representative Ream moved the House reconsider its action on HB 175 taken on third reading the

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previous legislative day. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Boharski, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Heavy Runner, Hibbard, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Masolo, McCulloch, McGee, Menahan, Mood, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.

Total 63

Noes: Bankhead, Barnhart, Bergsagel, Bitney, Bohlinger, Cobb, Denny, Devaney, Feland, H.S. Hanson, Harper, Harrington, Hayne, Holland, R. Johnson, Kitzenberg, Knox, Marshall, Mills, Pavlovich, Rose, Sliter, Smith, Stovall, Wiseman, Zook, Mr. Speaker.

Total 27

Voted Absentee: Grady, Grimes, Simpkins, Soft, Ayes.

Excused: Arnott, Ewer, McCann, Molnar, Orr, Raney.

Total 6

Absent or not voting: Adams, Bergman, Grinde, Ohs.

Total 4

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, January 27, 1997. Motion carried.

House adjourned at 10:45 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
NINETEENTH LEGISLATIVE DAY**

Helena, Montana
January 27, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative DeBruycker. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Krenzler, Wyatt, H. Hanson, Pavlovich, McGee, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/27/97

Correctly printed for second reading: HB 4, HB 12, HB 90, HB 91, HB 111, HB 137, HB 168, HB 172, HB 210, HB 266, HB 286, HB 9, SB 58, SB 135.

Correctly engrossed for third reading: HB 42, HB 60, HB 66, HB 69, HB 76, HB 82, HB 87, HB 98, HB 120, HB 164, HB 201, HB 227, HB 238, HB 255, SB 47.

APPROPRIATIONS (Zook, Chairman):

1/24/97

HB 10, introduced bill, be amended as follows:

1. Page 1, line 10.

Strike: "15"

Insert: "16"

2. Page 1, line 13.

Strike: "15"

Insert: "16"

3. Page 2, line 29.

Strike: "\$100,000"

Insert: "\$250,000"

4. Page 3, line 1.

Following: "shall"

Insert: "use the funds appropriated in subsection (1) to"

5. Page 3, following line 6.

Insert: "NEW SECTION. Section 5. Low-income home weatherization -- appropriation. There is appropriated \$150,000 from the stripper well payments contained in the federal special revenue fund to the department of public health and human services for use in the home weatherization program created in 90-4-201."

Renumber: subsequent sections.

6. Page 3, line 7.

Following: "appropriation."

Insert: "(1)"

7. Page 3, line 12.

Insert: "(2) Although the aggregate energy cost savings realized from this program could be significant, the amount

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of savings realized by individual agencies is not likely to be substantial. Therefore, it is the intent of the legislature that agencies be allowed to keep and use any energy cost savings realized as an incentive to participate in this program. The department of environmental quality shall report the amount of savings to the 1999 legislature, at which time this policy may be reevaluated."

8. Page 3, lines 13 through 18.

Strike: lines 13 through 18 in their entirety.

Renumber: subsequent sections.

9. Page 3, line 21.

Strike: "\$75,000"

Insert: "\$25,000"

10. Page 3, line 23.

Following: "park and"

Strike: "to develop means of increasing energy-efficient tourist travel in the region"

Insert: "neighboring Montana communities"

11. Page 3, line 26.

Strike: "\$250,000"

Insert: "\$180,000"

12. Page 4, line 7.

Strike: "\$120,000"

Insert: "\$80,000"

13. Page 4, line 9.

Following: "identify"

Insert: "and adopt"

14. Page 4, lines 11 through 14.

Strike: section 11 in its entirety

Insert: NEW SECTION. Section 11. Low-income home weatherization -- appropriation. There is appropriated another \$295,000 from the stripper well payments contained in the federal special revenue fund to the department of public health and human services for use in the home weatherization program created in 90-4-201.

NEW SECTION. Section 12. Food bank network transportation -- appropriation. There is appropriated \$5,000 from the stripper well payments contained in the federal special revenue fund to the department of public health and human services for use in assisting the Montana food bank network with coordinated energy-efficient transportation of food to drop sites and local food banks statewide."

Renumber: subsequent sections

15. Page 4, line 18.

Following: "services"

Strike: "for the purpose described in subsection (2)"

Insert: "to help capitalize a permanent low-income energy foundation"

16. Page 4, line 30.

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Page 5, lines 1 and 5.

Strike: "13"

Insert: "14"

17. Page 5, lines 9 (in two places), 10, 12, 14, 16, 20, 24, and 29.

Strike: "12"

Insert: "13"

And, as amended, do pass. Report adopted.

EDUCATION (Ellis, Chairman):

1/27/97

HB 183, introduced bill, do pass. Report adopted.

HB 206, introduced bill, be amended as follows:

1. Page 2, line 6.

Strike: "In"

Insert: "Except as provided in subsection (2), in"

2. Page 2, line 8.

Strike: "."

3. Page 2, line 9.

Strike: "(a)"

4. Page 2, line 11.

Strike: "or"

Insert: "."

5. Page 2, line 12.

Strike: "(b) if"

Insert: "(2) If"

6. Page 2, line 15.

Following: "K-12 district"

Insert: ", the trustees may dissolve the district under the following procedure:

(a) The trustees of the district shall pass a resolution requesting the county superintendent to order a dissolution of the district.

(b) When the county superintendent receives the resolution from the district, the county superintendent shall, within 10 days, order the dissolution of the K-12 district into the original elementary district and high school district, to take effect on July 1 of the ensuing school fiscal year. Within 30 days of the order, the county superintendent shall send a copy of the order to the board of county commissioners, the trustees of the district, and the superintendent of public instruction"

7. Page 2, line 16.

Strike: "(2)"

Insert: "(3)"

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8. Page 2, line 17.

Following: "(1)"

Insert: "or (2)"

9. Page 2, line 26.

Strike: "(3)"

Insert: "(4)"

10. Page 3, line 6.

Strike: "(4)"

Insert: "(5)"

11. Page 3, line 13.

Strike: "(2)"

Insert: "(3)"

And, as amended, do pass. Report adopted.

HB 259, introduced bill, do pass. Report adopted.

HB 263, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/25/97

SB 7, introduced by Foster

SB 29, introduced by Swysgood

SB 80, introduced by Hertel

SB 100, introduced by Beck

SB 124, introduced by Christiaens

SB 130, introduced by Holden

SB 131, introduced by Mesaros

SB 167, introduced by Brooke

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 364, introduced by Kottel, Christiaens, Clark, Pease, Pavlovich, Prouse, Carey, Ewer, Tuss, McCann, Wells, Dowell, J. Johnson, Sands, Ryan, Ohs, Denny, Rose, Ahner, Hagener, Grimes, Kitzenberg, Bergman, Heavy Runner, Hurdle, Krenzler, Galvin, Wyatt, Schmidt, Franklin, Bowman Shea, Baer, Tash, Halligan, Lynch, Harrington, Barnhart, Menahan, Whitehead, Raney, Harper, referred to Committee on Business & Labor.

HB 365, introduced by McGee, Rehbein, Clark, Jore, Baer, Ellis, Bishop, Benedict, Wells, Cole, Ahner, Grimes, Orr, Bergman, Foster, Beck, Devlin, Swysgood, Beaudry, M. Hanson, Stovall, DePratu, Keenan, Marshall, Holland, Bitney, Wiseman, Walters, Hayne, Thomas, Tropila, Keating, Barnett, Ohs, Brainard, Adams, Mills, Bankhead, Story, referred to Committee on Judiciary.

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HB 366, introduced by Peck, Bohlinger, Heavy Runner, Ahner, McCulloch, Harper, Bartlett, Hertel, Christiaens, Kitzenberg, Jergeson, Eck, J. Johnson, Waterman, Hibbard, referred to Committee on Appropriations.
HB 367, introduced by Beaudry, Sliter, referred to Committee on Business & Labor.
HB 368, introduced by Brainard, Kottel, referred to Committee on State Administration.
HB 369, introduced by Brainard, Prouse, Tuss, Adams, Squires, Emerson, Denny, McGee, Thomas, referred to Committee on Local Government.
HB 370, introduced by Tuss, Kottel, Squires, Waterman, referred to Committee on Human Services.
HB 371, introduced by Ahner, referred to Committee on Human Services.
HJR 9, introduced by Pease, Heavy Runner, Kitzenberg, Sands, Bartlett, Whitehead, Ellingson, referred to Committee on Education.

The following Senate bills were introduced, read first time, and referred to committees:

SB 7, introduced by Foster, (by request of the Revenue Oversight Committee) referred to Committee on Taxation.
SB 29, introduced by Swysgood, (by request of the Department of Transportation) referred to Committee on Transportation.
SB 80, introduced by Hertel, (by request of the State Auditor) referred to Committee on Business & Labor.
SB 100, introduced by Beck, (by request of the Department of Revenue) referred to Committee on Taxation.
SB 124, introduced by Christiaens, (by request of the Public Employees' Retirement Board) referred to Committee on State Administration.
SB 130, introduced by Holden, referred to Committee on Taxation.
SB 131, introduced by Mesaros, Cobb, referred to Committee on Natural Resources.
SB 167, introduced by Brooke, Ryan, Bookout-Reinicke, Hurdle, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Trexler in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 152 - Representative Grady moved consideration of HB 152 be placed at the bottom of the second reading board. Motion carried.

HB 182 - Representative Masolo moved HB 182 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

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Noes: Denny, Heavy Runner.

Total 2

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Hibbard.

Total 1

HB 180 - Representative Bohlinger moved HB 180 do pass. Motion carried as follows:

Ayes: Anderson, Bankhead, Barnett, Barnhart, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Knox, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Peck, Raney, Ream, Rose, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Stovall, Tash, Taylor, Tropila, Tuss, Walters, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 60

Noes: Adams, Ahner, Arnott, Beaudry, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Ewer, Heavy Runner, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, McCann, Molnar, Mood, Orr, Pease, Prouse, Quilici, Rehbein, Ryan, Sands, Simpson, Squires, Story, Swanson, Vick, Wagner, Wells, Whitehead.

Total 37

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Trexler.

Total 1

HB 269 - Representative Knox moved HB 269 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Cobb, Devaney, Ellingson, J. Johnson, Kasten, Kitzenberg, Simpson, Whitehead.

Total 8

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Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: None.

Total 0

HB 189 - Representative Barnett moved HB 189 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Brainard.

Total 1

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Curtiss, Molnar.

Total 2

HB 287 - Representative Wiseman moved HB 287 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Kottel.

Total 1

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

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Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Molnar.

Total 1

HB 184 - Representative Peck moved HB 184 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Boharski, Ellis, Molnar.

Total 3

HB 171 - Representative Raney moved HB 171 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, DeBruycker, Denny, Devaney.

Total 4

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

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Absent or not voting: Barnhart, Molnar.

Total 2

HB 64 - Representative Ewer moved HB 64 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Feland, Grinde, Jore, Rehbein, Taylor, Vick, Wagner.

Total 7

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Molnar.

Total 1

SB 53 - Representative Story moved SB 53 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker.

Total 1

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Soft.

Total 1

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HB 152 - Representative Grady moved HB 152 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Boharski, Feland, Jore, Prouse, Rehbein.

Total 6

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Molnar.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Trexler moved that the Committee of the Whole report be adopted. Report adopted. (91-0)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 87 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Boharski, Brainard, Denny, Keenan, Prouse, Wagner.

Total 7

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

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Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Mood, Story, Trexler.

Total 3

HB 201 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Anderson, Arnott, Bankhead, Boharski, Brainard, Denny, Feland, Grinde, Jore, Knox, Orr, Prouse, Rehbein, Rose, Sliter, Taylor, Vick, Wells.

Total 18

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Adams.

Total 1

HB 227 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

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Absent or not voting: Bookout.

Total 1

HB 120 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Bookout, Mills, Ryan.

Total 3

HB 238 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski.

Total 1

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Trexler.

Total 1

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HB 76 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Feland, Jore, Keenan, Rehbein, Vick.

Total 5

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Harper.

Total 1

HB 82 passed as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Arnott, Bankhead, Bergsagel, Boharski, Brainard, Cobb, Curtiss, Feland, Heavy Runner, Jore, Keenan, McCann, Molnar, Orr, Peck, Raney, Smith, Vick, Wagner.

Total 19

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Simpkins.

Total 1

HB 98 failed as follows:

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Ayes: Anderson, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Brainard, Carey, Clark, DeBruycker, Devaney, Ellis, Ewer, Gillan, Hagener, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Masolo, McCann, Menahan, Mills, Mood, Pavlovich, Peck, Quilici, Rose, Schmidt, Simon, Simpson, Smith, Soft, Story, Tash, Trexler, Whitehead, Wiseman.

Total 45

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Bitney, Boharski, Bookout, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Feland, Galvin, Grady, Grimes, Grinde, M. Hanson, Harper, Heavy Runner, Hurdle, Jore, Krenzler, Lawson, Marshall, McCulloch, Molnar, Ohs, Pease, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Simpkins, Sliter, Squires, Stovall, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.

Total 52

Voted Absentee: Pavlovich, Aye; Krenzler, Wyatt, Noes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Orr.

Total 1

HB 69 passed as follows:

Ayes: Ahner, Anderson, Arnott, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Bankhead, Barnett, Brainard, Clark, Curtiss, Denny, Devaney, Jore, Kasten, Keenan, Lawson, McCann, Mills, Orr, Rehbein, Vick, Wagner, Wells.

Total 19

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: None.

Total 0

HB 60 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson,

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Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Brainard, Jore.

Total 3

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Masolo.

Total 1

HB 66 passed as follows:

Ayes: Barnhart, Beaudry, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 56

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Ellis, Feland, Grinde, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Marshall, Mills, Molnar, Mood, Orr, Prouse, Rehbein, Sliter, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook.

Total 42

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: None.

Total 0

SB 47 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel,

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Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Brainard.

Total 1

Voted Absentee: Krenzler, Pavlovich, Wyatt, Ayes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: Adams.

Total 1

HB 175 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Galvin, Gillan, Grimes, Grinde, Hagener, Heavy Runner, Hibbard, Hurdle, Jore, Kasten, Kottel, Krenzler, Masolo, McCulloch, Menahan, Molnar, Mood, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Story, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead.

Total 56

Noes: Barnhart, Bergman, Bergsagel, Bohlinger, Cobb, Curtiss, Dowell, Ellis, Ewer, Feland, Grady, M. Hanson, Harper, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Lawson, Marshall, McCann, Mills, Ohs, Orr, Pavlovich, Raney, Rose, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 42

Voted Absentee: Krenzler, Aye; Pavlovich, Wyatt, Noes.

Excused: H.S. Hanson, McGee.

Total 2

Absent or not voting: None.

Total 0

MOTIONS

HB 98 - Representative Anderson moved he be allowed to change his vote on HB 98, third reading, from nay to aye. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 234:

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Representative Ahner, Representative Mood, Representative Sliter, Representative Ohs, Representative Knox, Representative Keenan, Representative Beaudry, Representative Holland, Representative Jore, Representative DeBruycker, Representative Cobb, Representative Clark, Representative Smith, Representative Anderson, Representative Mercer, Representative Orr, Representative Curtiss, Representative Mills, Representative Wagner, Representative Bohlinger, Representative Rehbein, Representative Kitzenberg, Representative Ellis, Representative Adams, Representative Masolo, Representative Lawson, Representative Walters, Representative Trexler, Representative Wiseman, Representative McGee, Representative Hayne, Representative Taylor, Representative Barnett, Representative Wells, Representative Bookout-Reinicke, Representative Denny, Representative Bergman, Representative Grinde, Representative Stovall, Representative Bankhead.

The following sponsors were added to HB 361: Representative Arnott.

The following sponsor was removed from HB 364: Representative Denny.

Mr. Speaker introduced this week's pages:

Timothy Pease - Lodge Grass
Amy Woody - Rollins
Aaron Jamison - Billings
Jamin Becker - Ronan
Christel Godin - Superior
Eamon Hansen - Helena
Robert Marshall - Bigfork

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, January 28, 1997. Motion carried.

House adjourned at 2:47 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTIETH LEGISLATIVE DAY**

Helena, Montana
January 28, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Jore. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Krenzler, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixteenth and seventeenth legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/28/97

Correctly printed for second reading: HB 10, HB 206, HB 183, HB 259, HB 263.

Correctly engrossed for third reading: HB 64, HB 152, HB 171, HB 180, HB 182, HB 184, HB 189, HB 269, HB 287, SB 53.

Delivered to the Governor for his approval at 9:20 a.m., January 28, 1997: HB 30, HB 57.

HUMAN SERVICES (Grimes, Chairman):

1/28/97

HB 108, introduced bill, be amended as follows:

1. Title, line 11.

Strike: "ADDING A DEFINITION OF "SWING BED";"

2. Title, line 12.

Following: "NEED;"

Strike: "DELETING"

Insert: "REVISING"

3. Title, line 14.

Following: "FACILITY"

Insert: "SO THAT IT REFERS TO A NONREVIEWABLE SERVICE RATHER THAN AN ACTION"

4. Title, lines 16 AND 17.

Strike: "PROVIDING" on line 16 through "LICENSED;" on line 17

5. Title, line 22.

Strike: "REVISING APPLICATION AND"

Insert: "DELETING"

6. Page 8, lines 14 and 15.

Strike: subsection (43) in its entirety

7. Page 9, line 23.

Strike: "swing-bed"

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8. Page 10.

Following: line 29

Insert: "(3) This section may not be construed to require a health care facility to obtain a certificate of need for a nonreviewable service that would not be subject to a certificate of need if undertaken by a person other than a health care facility."

9. Page 11, line 15.

Strike: "as swing beds"

10. Page 14, line 17.

Following: "œ"

Insert: "or"

11. Page 14, lines 20 through 22.

Strike: "; or" on line 20 through "department" on line 22

12. Page 16, line 20.

Strike: "either"

Strike: "or the operating expenses for the first year as"

13. Page 16, line 21.

Strike: "whichever is greater,"

And, as amended, do pass. Report adopted.

HB 298, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/27/97

HB 195, introduced bill, be amended as follows:

1. Title, line 5.

Following: "ABSTRACT OF"

Insert: "ADMINISTRATIVE"

Following: "ORDER"

Insert: "OR OF FINAL ADMINISTRATIVE ORDER"

2. Page 2, line 7.

Page 3, line 19.

Following: "abstract of"

Insert: "administrative"

Following: "order"

Insert: "or of final administrative order"

3. Page 3, line 11.

Insert: "(9) A state agency that pays a fee under subsection (1)(q) may, using any method provided by law for collection of judgments or other adjudicated debts by the agency, immediately collect the amount paid from the person against whom the agency filed the warrant of distraint, certificate of lien, or abstract of administrative order or of final administrative order. A hearing is not required."

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And, as amended, do pass. Report adopted.

HB 199, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/28/97

HB 154, introduced bill, be amended as follows:

1. Title, line 6.

Following: "COAL MINE"

Strike: "OPERATORS"

Insert: "PERMITTEES"

2. Title, line 10.

Following: "REQUIREMENTS;"

Insert: "MODIFYING REVEGETATION REQUIREMENTS;"

3. Title, line 11.

Following: "82-4-203"

Strike: "AND"

Insert: ", "

Following: "82-4-226,"

Insert: "82-4-233, AND 82-4-235,"

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

4. Page 1, line 16.

Following: "The"

Strike: "owner"

Insert: "permittee"

5. Page 1, line 24.

Following: "that"

Insert: "was in existence prior to the application for the permit pursuant to 82-4-222 and that"

6. Page 1, line 26.

Following: "operation"

Strike: "in existence prior to the application for a permit pursuant to 82-4-202"

7. Page 1.

Following: line 28.

Insert: "(3) This section does not abrogate, impair, or diminish any right or remedy granted under another provision of this part or any other law."

8. Page 8.

Following: line 5

Insert: "Section 4. Section 82-4-233, MCA, is amended to read:

"82-4-233. Planting of vegetation following grading of disturbed area. (1) ~~After~~ Except as provided in

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subsection (4), after the operation has been backfilled, graded, topsoiled, and approved by the department, the operator shall prepare the soil and plant such the legumes, grasses, shrubs, and trees as that are necessary to establish on the regraded areas and all other lands affected a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area except that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan. The vegetative cover must be capable of:

(a) feeding and withstanding grazing pressure from a quantity and mixture of wildlife and livestock at least comparable to that which the land could have sustained prior to the operation;

(b) regenerating under the natural conditions prevailing at the site, including occasional drought, heavy snowfalls, and strong winds; and

(c) preventing soil erosion to the extent achieved prior to the operation.

(2) The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, mulching, irrigation, fencing, and any other measures necessary to provide a suitable permanent diverse vegetative cover shall must be defined by rules of the board.

(3) All underground shafts, tunnels, or other excavations are excluded from the provisions of subsection (1) ~~of this section.~~

(4) For land that was mined, disturbed, or redisturbed after May 2, 1978, and that was seeded prior to January 1, 1984, using a seed mix that was approved by the department pursuant to subsection (2) and on which the reclaimed vegetation otherwise meets the requirements of subsection (1) and applicable state and federal seed and vegetation laws and rules, introduced species are considered desirable and necessary to achieve the postmining land use and may compose a major or dominant component of the reclaimed vegetation.

Section 5. Section 82-4-235, MCA, is amended to read:

"82-4-235. (Temporary) Inspection of vegetation -- final bond release. Inspection and evaluation for permanent diverse vegetative cover shall must be made as soon as it is possible to determine if a satisfactory stand has been established. If the department determines that a satisfactory permanent diverse vegetative cover has been established, it shall release the remaining bond held on the area reclaimed after public notice and an opportunity for hearing as provided in 82-4-232(6). ~~In no event shall such~~ The remaining bond may not be released prior to a period of 10 years after the last year of augmented seeding, fertilizing, irrigation, or other work required under this part for those operations or portions of operations that were seeded after February 2, 1978, or prior to a period of 5 years after initial planting for all exploration activities and all other operations.

82-4-235. (Effective on occurrence of contingency) Inspection of vegetation -- final bond release. (1) Inspection and evaluation for permanent diverse vegetative cover must be made as soon as possible following an application for final bond release to determine if a satisfactory stand has been established. If the department determines that a satisfactory permanent diverse vegetative cover has been established, it shall release the remaining bond held on the area reclaimed after public notice and an opportunity for hearing as provided in 82-4-232(6). ~~For land that was seeded using a seed mix that included a substantial component of introduced species approved by the department pursuant to 82-4-233(2) and on which reclaimed vegetation otherwise meets the requirements of 82-4-233(1), approval of reclaimed vegetation for release of bond may not be withheld on the basis that introduced species compose a major or dominant component. Except as provided in subsection (2)(b), the~~ The remaining bond may not be released prior to a period of 10 years after the last year of augmented seeding, fertilizing, irrigation, or other work required under this part for those operations or portions of operations that were seeded after May 2, 1978, or prior to a period of 5 years after initial planting for all exploration activities and all other operations.

(2) (a) Notwithstanding the provision in subsection (1), on land from which coal was removed prior to May 3, 1978, and on land from which coal was not removed and that was not used, disturbed, or redisturbed in connection with this part after May 2, 1978, the department may approve for release a bond on an area of reclaimed vegetation that meets the following criteria:

(i) it was seeded using a seed mixture that was approved by the department under the criteria established

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pursuant to 82-4-233 and that included introduced species; and

(ii) at least one of the following conditions exists:

(A) the standards of 82-4-233(1) are otherwise achieved;

(B) the operator has demonstrated substantial usefulness of the reclaimed vegetation for grazing of livestock;

(C) the operator demonstrates that the reclaimed vegetation has substantial value as a habitat component for wildlife present in the area; or

(D) the topography and soils are suitable for conversion to cropland or hayland consistent with the standards of 82-4-232(8) and the department approves and the operator completes that conversion.

(b) On lands that meet the criteria described in subsection (2)(a), interseeding or supplemental planting may be performed without reinitiating the liability period provided in subsection (1)."

Renumber: subsequent sections

9. Page 8, line 19.

Following: "Effective"

Strike: "date. [This act]"

Insert: "dates. (1) Except as provided in subsection (2), [this act]"

10. Page 8.

Following: line 19

Insert: "(2) [Section 4] is effective on the date that it is approved by the secretary of the United States department of the interior pursuant to 30 U.S.C. 1253."

And, as amended, do pass. Report adopted.

HB 214, introduced bill, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman):

1/27/97

HB 93, introduced bill, do pass. Report adopted.

HB 99, introduced bill, be amended as follows:

1/28/97

1. Title, lines 4 and 5.

Following: "AN ACT"

Strike: lines 4 and 5 in their entirety

Insert: "ESTABLISHING SPEED REGULATIONS IN A CONSTRUCTION ZONE AND A WORK ZONE; DEFINING "CONSTRUCTION ZONE" AND "WORK ZONE"; DOUBLING THE PENALTY FOR SPEEDING IN A WORK ZONE; AND AMENDING SECTION 61-8-303, MCA."

2. Page 1, lines 9 through 15.

Strike: everything following the enacting clause

Insert: "NEW SECTION. Section 3. Speed restrictions in construction zone and work zone -- definitions. (1)

As used in this section, the following definitions apply:

(a) "Construction zone" means an area on a public highway or on the adjacent right-of-way where construction, repair, maintenance, or survey work is being performed by the department of transportation, a local authority, a utility company, or a private contractor under contract with the department of transportation or a local authority. A construction zone does not include a work zone.

(b) "Public highway" has the same meaning as in 60-1-103.

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(c) "Work zone" means the area where the construction, repair, maintenance, or survey work is actually taking place. A work zone connects to but is not part of a construction zone.

(2) A person may not operate a motor vehicle in a construction zone or in a work zone on a public highway in excess of the speed limit posted in the construction zone or the work zone. The speed limit must be set by the department of transportation or the local authority based on traffic conditions or the condition of the construction, repair, maintenance, or survey project.

(3) (a) The department of transportation, the local authority, the utility company, or the private contractor shall post signs that conform to the department of transportation's manual on uniform traffic control devices and that indicate the boundaries of the construction zone and the work zone and the speed limit in effect within both zones.

(b) The department of transportation, the local authority, the utility company, or the private contractor shall clearly indicate at the boundary of a work zone that a person who violates the speed restriction in the work zone is subject to the fine provided in subsection (4)(a).

(c) The boundaries of the work zone may not exceed 500 feet in advance of and beyond the actual construction activity.

(4)(a) A person convicted of a violation of a speed restriction in a work zone is guilty of a misdemeanor. Upon arrest and conviction, the person shall be punished by a fine of not less than double the penalty provided for in 61-8-711(2).

(b) A person convicted of a violation of a speed restriction in a construction zone is guilty of a misdemeanor. Upon arrest and conviction, the person is subject to the penalty provided for in 61-8-711(2).

Section 4. Section 61-8-303, "MCA, is amended to read:

"61-8-303. Speed restrictions -- basic rule. (1) A person operating or driving a vehicle of any character on a public highway of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead. The person operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.

(2) When no special hazard exists that requires lower speed for compliance with subsection (1), the speed of a vehicle not in excess of the limits specified in this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of the following limits is unlawful:

(a) 25 miles per hour in an urban district;

~~(b) 35 miles per hour on a highway under construction or repair or on a highway being surveyed, unless the department establishes and posts a different limit due to traffic conditions or the condition of the construction, repair, or survey project;~~

~~(c)~~(b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.

(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(4) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, ~~and 61-8-313~~, and [section 1].

(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."

NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section 1]."

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And, as amended, do pass. Report adopted.

HB 202, introduced bill, do pass. Report adopted.

1/27/97

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/27/97

SB 56, introduced by Lynch

SB 73, introduced by Crippen

SB 86, introduced by Crismore

SB 110, introduced by Beck

SB 114, introduced by Waterman

SB 127, introduced by Cole

SB 129, introduced by Crismore

SB 152, introduced by McNutt

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 372, introduced by Hurdle, Wyatt, Galvin, J. Johnson, Bohlinger, referred to Committee on State Administration.

HB 373, introduced by Denny, Bookout-Reinicke, Ewer, Mahlum, Sands, Walters, Masolo, Bankhead, Smith, referred to Committee on Local Government.

HB 374, introduced by Harper, Doherty, Franklin, Brooke, Raney, Tuss, Ellingson, Ryan, Van Valkenburg, Wilson, Eck, Heavy Runner, Ream, Peck, Carey, Gillan, Cobb, Swanson, J. Johnson, Simpson, Bohlinger, Keenan, Menahan, Halligan, Schmidt, Cocchiarella, Sands, Pease, Dowell, Kottel, Squires, Wyatt, Hurdle, Bishop, Barnhart, referred to Committee on Natural Resources.

HB 375, introduced by Ryan, Prouse, Lynch, Rose, Harp, Squires, Sliter, Harrington, Krenzler, Bowman Shea, Grady, Swanson, referred to Committee on Business & Labor.

HB 376, introduced by Tropila, Franklin, Masolo, J. Johnson, Tuss, Marshall, Denny, Van Valkenburg, referred to Committee on State Administration.

HB 377, introduced by Ryan, Kitzenberg, referred to Committee on Local Government.

HB 378, introduced by Ryan, referred to Committee on Taxation.

HB 379, introduced by Ryan, J. Johnson, referred to Committee on Taxation.

HB 380, introduced by Simpkins, referred to Committee on Education.

HB 381, introduced by Hibbard, Menahan, Ellis, Galvin, Lynch, Wilson, Foster, Harper, Rehbein, Tropila, Mercer, Rose, Hagener, Grady, Hertel, Harp, Beck, Ryan, referred to Committee on Taxation.

HB 382, introduced by Orr, Beck, referred to Committee on Business & Labor.

HB 383, introduced by Knox, referred to Committee on Natural Resources.

HB 384, introduced by Ellis, Feland, Kitzenberg, Rehbein, Tash, Baer, Lawson, Denny, Sliter, Wells, Mesaros, Mood, Marshall, Burnett, Emerson, DePratu, McGee, Thomas, Aklestad, Mahlum, Bankhead, Masolo, Sprague, Arnott, M. Hanson, Beck, McNutt, Bitney, Ahner, Molnar, Prouse, Beaudry, Adams, Bohlinger, Devlin, Curtiss, Soft, Story, Wagner, Brainard, Bergman, Simon, Taylor, Holland, Knox, Ohs, Foster, Rose, Mills, Hayne, Glaser, Jenkins, Stovall, Hibbard, Cobb, Keenan, Jore, Grinde, Smith, Kasten, Barnett, Boharski, Bookout-Reinicke, Estrada, Anderson, Mercer, Grimes, Devaney, referred to Committee on Taxation.

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HB 385, introduced by McCulloch, Van Valkenburg, Clark, referred to Committee on Transportation.

HB 386, introduced by Molnar, referred to Committee on Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 56, introduced by Lynch, (by request of the Department of Commerce) referred to Committee on Business & Labor.

SB 73, introduced by Crippen, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Agriculture.

SB 86, introduced by Crismore, (by request of the State Auditor) referred to Committee on Transportation.

SB 110, introduced by Beck, (by request of the Department of Public Health and Human Services) referred to Committee on Judiciary.

SB 114, introduced by Waterman, (by request of the Department of Public Health and Human Services) referred to Committee on Human Services.

SB 127, introduced by Cole, (by request of the Department of Revenue) referred to Committee on Taxation.

SB 129, introduced by Crismore, referred to Committee on Transportation.

SB 152, introduced by McNutt, referred to Committee on Business & Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wagner in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 111 - Representative Ahner moved HB 111 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Carey, Cocchiarella, DeBruycker, Ellingson, Hurdle, Kasten, McCann, Pease, Ream, Rehbein, Sands, Swanson, Tropila.

Total 13

Voted Absentee: Krenzler, Marshall, Ayes.

Excused: None.

Total 0

Absent or not voting: Tuss.

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Total 1

HB 168 - Representative R. Johnson moved HB 168 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Feland, Grinde, Jore, McGee, Orr, Rehbein.

Total 7

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Ewer.

Total 1

HB 210 - Representative Grinde moved consideration of HB 210 be passed for the day. Motion carried.

HB 4 - Representative Grady moved HB 4 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Barnett, Boharski, Bookout, Brainard, DeBruycker, Denny, Feland, Grinde, Jore, Kasten, Keenan, Lawson, McGee, Molnar, Ohs, Peck, Prouse, Rehbein, Sliter, Smith, Vick, Wells.

Total 24

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Hayne.

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Total 1

HB 12 - Representative Quilici moved HB 12 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Adams, Jore, Prouse.

Total 3

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 172 - Representative Soft moved HB 172 do pass. Motion carried as follows:

Ayes: Adams, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Clark, DeBruycker, Denny, Devaney, Ellis, Ewer, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Ahner, Arnott, Barnhart, Bergsagel, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Feland, Galvin, Gillan, Grady, Grinde, Harper, Harrington, Hurdle, J. Johnson, Kottel, McCann, McCulloch, Menahan, Molnar, Orr, Pavlovich, Pease, Peck, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 40

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 286 - Representative Squires moved HB 286 do pass. Motion failed as follows:

Ayes: Barnett, Barnhart, Bitney, Bohlinger, Carey, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 46

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Masolo, McGee, Mills, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 54

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 137 - Representative Smith moved HB 137 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Adams, Barnhart, Boharski, Brainard, Carey, Ellingson, Heavy Runner, Hurdle, Jore, McGee, Pease, Prouse, Ream, Ryan, Tuss, Vick, Wells, Whitehead, Wyatt.

Total 19

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 9 - Representative McCann moved HB 9 do pass.

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Representative Barnhart moved HB 9, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 4.

Strike: "10,000"

Insert: "23,000"

2. Page 6, line 20.

Strike: "\$ 0"

Insert: "20,000"

3. Page 8, line 9.

Following: "grants."

Insert: "(1)"

Strike: "If"

Insert: "Except as provided in subsection (2), if"

4. Page 8, following line 11.

Insert: "(2) If money in the cultural and aesthetic project account is insufficient to fund projects at the appropriation levels contained in [section 1], before reducing any of the other projects on a pro rata basis as required in subsection (1), the Montana arts council shall reduce the grant to the Holter museum of art by \$13,000 and the grant to the museum of the Rockies by \$20,000."

Representative Boharski moved the amendment (amendment #1) be divided and that the question of the Holter Museum of Art be addressed first. Motion carried.

Thereafter, amendment #1, with reference to the Holter Museum of Art language, failed as follows: 40-59

Amendment #1, was then revised to read as follows:

1. Page 6, line 20.

Strike: "\$ 0"

Insert: "20,000"

2. Page 8, line 9.

Following: "grants."

Insert: "(1)"

Strike: "If"

Insert: "Except as provided in subsection (2), if"

3. Page 8, following line 11.

Insert: "(2) If money in the cultural and aesthetic project account is insufficient to fund projects at the appropriation levels contained in [section 1], before reducing any of the other projects on a pro rata basis as required in subsection (1), the Montana arts council shall reduce the grant to the museum of the Rockies by \$20,000."

The revised Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Keenan, Kitzenberg, Kottel, Marshall, Masolo, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Quilici,

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Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Squires, Swanson, Taylor, Tropila, Tuss, Vick, Wells, Whitehead, Wyatt.

Total 52

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Knox, Lawson, McCann, McGee, Mills, Molnar, Orr, Peck, Prouse, Rehbein, Simon, Sliter, Soft, Story, Stovall, Tash, Trexler, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

Total 47

Excused: Krenzler.

Total 1

Absent or not voting: None.

Total 0

Motion that HB 9 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Adams, Arnott, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Ellingson, Ewer, Feland, Galvin, Grinde, Jore, Keenan, McGee, Molnar, Pease, Prouse, Rehbein, Story, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wyatt.

Total 28

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed, Mr. Speaker in the Chair. Chairman Wagner moved that the Committee of the Whole report be adopted. Report adopted. (84-8)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 42 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Wagner.

Total 1

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 64 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Feland, Grinde, Jore, Molnar, Rehbein, Taylor, Vick, Wagner.

Total 9

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Devaney, Harper.

Total 2

HB 152 passed as follows:

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Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, **Harper**, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Boharski, Jore, Prouse.

Total 4

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Holland, McGee.

Total 2

HB 164 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Curtiss, Denny, Smith, Vick.

Total 5

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

HB 171 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland,

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Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Brainard, DeBruycker, Denny, McGee, Rehbein, Wagner.

Total 7

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Kitzenberg.

Total 1

HB 180 passed as follows:

Ayes: Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Hibbard, Holland, Hurdle, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCulloch, Mills, Peck, Raney, Ream, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Stovall, Tash, Taylor, Tropila, Tuss, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 57

Noes: Adams, Ahner, Arnott, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Ewer, H.S. Hanson, Hayne, Heavy Runner, J. Johnson, Jore, Kasten, Keenan, Kottel, McCann, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Rehbein, Ryan, Sands, Squires, Story, Swanson, Trexler, Vick, Wagner, Walters, Wells, Whitehead.

Total 42

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

HB 182 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan,

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Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Hagener.

Total 1

HB 184 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: Anderson, Boharski.

Total 2

HB 189 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan,

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Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Voted Absentee: Krenzler, Aye.

Excused: None.
Total 0

Absent or not voting: Grinde.
Total 1

HB 255 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 93

Noes: Cobb, Harper, Hurdle, Rehbein, Simpkins, Tropila, Wyatt.
Total 7

Voted Absentee: Krenzler, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 269 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 92

Noes: Cobb, Ellingson, J. Johnson, Kasten, Kitzenberg, Simpson, Whitehead.

Total 7

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

HB 287 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Krenzler, Aye.

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

HJR 4 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

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Noes: Bankhead, Bergsagel, Masolo, Simpkins, Smith.
Total 5

Voted Absentee: Krenzler, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 53 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: DeBruycker, Wagner.
Total 2

Voted Absentee: Krenzler, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

HB 98 - Representative Clark moved the House reconsider its action on HB 98 taken on third reading the previous legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 98 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Curtiss, DeBruycker, Devaney, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harrington,

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Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Peck, Quilici, Rose, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Story, Stovall, Tash, Trexler, Walters, Whitehead, Wiseman, Zook.

Total 60

Noes: Adams, Arnott, Bankhead, Bitney, Boharski, Brainard, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Feland, Grady, M. Hanson, Harper, Heavy Runner, Hurdle, Jore, Lawson, Molnar, Ohs, Pease, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Sliter, Squires, Swanson, Taylor, Tropila, Tuss, Vick, Wagner, Wells, Wyatt, Mr. Speaker.

Total 39

Excused: Krenzler.

Total 1

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, January 29, 1997. Motion carried.

House adjourned at 2:47 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 29, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Holland. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Barnhart, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/29/97

Correctly printed for second reading: HB 93, HB 99, HB 108, HB 154, HB 195, HB 199, HB 202, HB 214, HB 298.

Correctly engrossed for third reading: HB 4, HB 9, HB 12, HB 111, HB 137, HB 168, HB 172.

BUSINESS & LABOR (Simon, Chairman):

1/28/97

HB 262, introduced bill, be amended as follows:

1. Page 7, line 1.

Following: "banks;"

Strike: "or"

Insert: "and"

2. Page 10, lines 28 through 30.

Following: "affiliates." on line 28

Strike: remainder of line 28 through "department." on line 30

3. Page 11, line 2.

Following: "maintain a"

Insert: "branch"

4. Page 14, line 13.

Following: "Section"

Strike: "11"

Insert: "10"

And, as amended, do pass. Report adopted.

HB 330, introduced bill, do pass. Report adopted.

SB 65, be concurred in. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):

1/29/97

HB 92, introduced bill, do pass. Report adopted.

HB 212, introduced bill, be amended as follows:

1. Page 1, line 18.

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Strike: "77-1-102"

Insert: "70-18-203"

2. Page 1, line 27.

Following: "land"

Insert: ", except islands designated as natural areas pursuant to Title 76, chapter 12,"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/28/97

HB 200, introduced bill, be amended as follows:

1. Page 1, line 10.

Following: "business"

Insert: "or a landlord"

2. Page 1, line 11.

Following: "guest,"

Insert: "tenant,"

And, as amended, do pass. Report adopted.

HB 215, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND TRACKING"

2. Title, line 7.

Strike: "OR TRACKING"

3. Page 1, line 14.

Strike: "or mistreats"

4. Page 1, line 18.

Strike: "private" through "with"

Insert: "person while the person is under the control of and acting under the direction of an officer of an"

5. Page 1, line 19.

Strike: "efforts" through "investigations"

Insert: "agency during the performance of the agency's law enforcement or search and rescue duties"

6. Page 1, line 25.

Strike: "(A)"

Strike: "7-32-201"

Insert: "44-11-303"

7. Page 1, line 26.

Strike: "(B)"

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Insert: "(ii)"
Strike: "law enforcement"
Insert: "criminal justice agency or search and rescue"

8. Page 1, line 27.

Strike: "(C)"
Insert: "(iii)"
Strike: " ; "
Insert: " . "

9. Page 1, line 28 through line 3 of page 2.

Strike: subsections (ii) and (iii) in their entirety

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):
HB 205, introduced bill, do pass. Report adopted.

1/29/97

HB 229, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):
HB 71, introduced bill, do pass. Report adopted.

1/28/97

HB 193, introduced bill, be amended as follows:

1. Title, line 5.

Following: "FOUNDATIONS"

Insert: "OR ORGANIZATIONS SUPPORTING THE UNIVERSITY SYSTEM"

2. Page 2, line 12.

Strike: "Money"

Insert: "Public money or public property"

Following: "foundation"

Insert: "or organization"

Following: "the"

Insert: "promotion,"

Following: "support"

Insert: ", or encouragement"

Strike: "a public"

3. Page 2, line 13.

Strike: "entity"

Insert: "the university system"

4. Page 2, line 14.

Strike: "allows"

Insert: "provides"

Following: "foundation"

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Insert: "or organization"

5. Page 2, line 16.

Strike: "is" through "of"

Insert: "provides"

Following: "auditor"

Insert: "with annual financial reports that include audited financial statements"

Note: The new subsection (2) on page 2 will read:

(2) Public money or public property may not be transferred to a private foundation or organization established for the promotion, support, or encouragement of the university system unless the transfer:

(a) provides the legislative auditor sufficient access to records of the private foundation or organization to allow compliance with Article VIII, section 12, and Article X, section 9(2)(d), of the Montana constitution; and

(b) provides the legislative auditor with annual financial reports that include audited financial statements.

And, as amended, do pass. Report adopted.

STATE/FEDERAL RELATIONS (Curtiss, Chairman):

1/29/97

HJR 7, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

1/29/97

HJR 2, introduced bill, be amended as follows:

1. Page 2, line 8.

Strike: "\$982,821,000"

Insert: "\$992,450,000"

Strike: "\$1,028,146,000"

Insert: "\$1,036,805,000"

2. Page 2, line 9.

Strike: "\$1,056,108,000"

Insert: "\$1,067,051,000"

3. Page 3, line 16.

Strike: "3.40%"

Insert: "5.00%"

Strike: "3.80%"

Insert: "5.00%"

Strike: "4.90%"

Insert: "5.00%"

Strike: "5.80%"

Insert: "5.00%"

4. Page 3.

Following: line 16

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Insert: "CY Taxable Pension/Social Security (Percent Change) 8.00% 8.00% 8.00% 8.00%"

5. Page 3, line 17.

Strike: "6.93%"

Insert: "811.38%"

Strike: "5.59%"

Insert: "89.06%"

Strike: "5.77%"

Insert: "47.21%"

Strike: "6.25%"

Insert: "32.27%"

6. Page 3, line 20.

Strike: "\$621.600"

Insert: "\$644.900"

Strike: "\$644.100"

Insert: "\$676.500"

Strike: "\$660.100"

Insert: "\$706.300"

Strike: "\$670.400"

Insert: "\$721.000"

7. Page 3, line 21.

Strike: "\$851.240"

Insert: "\$853.735"

Strike: "\$854.163"

Insert: "\$871.958"

Strike: "\$868.360"

Insert: "\$892.151"

Strike: "\$891.854"

Insert: "\$912.941"

8. Page 6, line 7.

Strike: "\$1,842.380"

Insert: "\$1,855.995"

Strike: "\$2,227.536"

Insert: "\$2,231.245"

Strike: "\$2,257.149"

Insert: "\$2,252.484"

9. Page 6, line 9.

Strike: "\$1,825.627"

Insert: "\$1,839.242"

Strike: "\$2,213.755"

Insert: "\$2,217.464"

Strike: "\$2,242.689"

Insert: "\$2,238.024"

10. Page 6, line 10.

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Strike: "\$2,926.120"
Insert: "\$2,973.540"
Strike: "\$3,113.584"
Insert: "\$3,187.635"
Strike: "\$3,308.910"
Insert: "\$3,415.551"

11. Page 6.

Following: line 10

Insert: "SB 417 Reimbursement Deduction \$2.777 \$7.338 \$12.544 \$14.685

SB 417 Reimbursement: Taxing jurisdictions experiencing a class eight market value increase in excess of 3.4% from tax year 1995 to tax year 1996 were assumed to increase at that rate for tax years 1997, 1998, and 1999. Taxing jurisdictions experiencing a class eight market value change of 3.4% or less from tax year 1995 to tax year 1996 were assumed to increase at the projected average rate of 3.4% for tax years 1997, 1998, and 1999."

12. Page 7, line 17.

Strike: "\$367.864"
Insert: "\$368.736"
Strike: "\$383.561"
Insert: "\$386.824"
Strike: "\$401.044"
Insert: "\$405.315"

13. Page 7, line 18.

Strike: "\$59.947"
Insert: "\$61.350"
Strike: "\$61.043"
Insert: "\$63.010"
Strike: "\$61.514"
Insert: "\$63.677"

14. Page 7, line 19.

Strike: "\$51.704"
Insert: "\$51.951"
Strike: "\$53.145"
Insert: "\$53.687"
Strike: "\$54.753"
Insert: "\$55.414"

15. Page 8, line 8.

Strike: "\$4.457"
Insert: "\$6.224"
Strike: "\$1.103"
Insert: "\$2.003"
Strike: "\$1.103"
Insert: "\$2.003"

16. Page 8, line 12

Strike: "\$13.575"

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Insert: "\$14.519"
Strike: "\$13.914"
Insert: "\$15.000"
Strike: "\$14.262"
Insert: "\$15.500"

17. Page 8, line 17.

Strike: "\$2.681"
Insert: "\$3.171"
Strike: "\$2.721"
Insert: "\$3.218"
Strike: "\$2.765"
Insert: "\$3.270"

18. Page 8, line 18.

Strike: "\$5.121"
Insert: "\$5.204"
Strike: "\$5.449"
Insert: "\$5.578"
Strike: "\$5.791"
Insert: "\$5.977"

19. Page 9, line 1.

Strike: "\$28.979"
Insert: "\$30.379"
Strike: "\$26.784"
Insert: "\$28.184"

20. Page 9, line 2.

Strike: "\$75.962"
Insert: "\$76.971"
Strike: "\$85.158"
Insert: "\$84.890"
Strike: "\$84.381"
Insert: "\$85.057"

21. Page 9, line 3.

Strike: "\$128.398"
Insert: "\$129.812"
Strike: "\$149.329"
Insert: "\$148.447"
Strike: "\$151.318"
Insert: "\$151.624"

22. Page 9, line 4.

Strike: "\$1.242"
Insert: "\$1.267"
Strike: "\$1.260"
Insert: "\$1.296"

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23. Page 9, line 8.
Strike: "\$982.821"
Insert: "\$992.450"
Strike: "\$1,028.146"
Insert: "\$1,036.805"
Strike: "\$1,056.108"
Insert: "\$1,067.051"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/28/97

SB 83, introduced by Sprague
SB 42, introduced by Bishop
SB 62, introduced by Sprague
SB 104, introduced by Beck
SB 120, introduced by Mahlum

SB 125, introduced by Christiaens, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 1/28/97 to the House with the following vote:

YEAS - 45
NAYS - 4

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

January 28, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 30 sponsored by Representative Hayne on January 28, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

January 28, 1997

Dear Representative Mercer:

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Please be informed that I have signed House Bill 57 sponsored by Representative DeBruycker on January 28, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 387, introduced by Simon, referred to Committee on Fish, Wildlife, & Parks.

HB 388, introduced by Simon, Molnar, Keenan, Cocchiarella, Tuss, Denny, Sprague, Wells, Baer, Benedict, Harp, Sliter, Jabs, Prouse, Marshall, Stovall, McGee, Mills, Grinde, Thomas, McCulloch, Hertel, Emerson, referred to Committee on Business & Labor.

HB 389, introduced by Simon, Grosfield, Ellis, Boharski, Grinde, Baer, DeBruycker, Beaudry, Harp, Knox, Ohs, Peck, Cocchiarella, Sliter, Bohlinger, McCann, referred to Committee on Judiciary.

HB 390, introduced by Cobb, referred to Committee on Agriculture.

HB 391, introduced by Rose, Wiseman, Peck, Grinde, Bohlinger, Walters, Hayne, Marshall, Denny, referred to Committee on Business & Labor.

HB 392, introduced by Bitney, Sliter, Mohl, referred to Committee on Agriculture.

HB 393, introduced by Boharski, Devlin, Tash, Prouse, Baer, Jore, Orr, Keenan, Wells, Sliter, Clark, Emerson, Wagner, Holland, Keating, referred to Committee on Taxation.

HB 394, introduced by Grinde, Raney, Beaudry, Mesaros, Rose, Ahner, Simon, Orr, Rehbein, Quilici, Cobb, Smith, Knox, Sliter, Holland, Keenan, Anderson, Curtiss, Cocchiarella, Bookout-Reinicke, Stovall, Wiseman, Bergman, Denny, Lawson, Grady, Bohlinger, Kitzenberg, Mills, Ohs, Soft, Ellis, Wells, McGee, Masolo, Walters, Bitney, Bankhead, Brainard, Feland, Menahan, Simpkins, referred to Committee on State Administration.

HB 395, introduced by Grimes, Knox, Beaudry, Grosfield, Quilici, McCarthy, Lynch, referred to Committee on Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

SB 42, introduced by Bishop, (by request of the Department of Fish, Wildlife, and Parks) referred to Committee on Fish, Wildlife, & Parks.

SB 62, introduced by Sprague, (by request of the Department of Labor and Industry) referred to Committee on Business & Labor.

SB 83, introduced by Sprague, (by request of the Subcommittee on the Foreign Investment Depository) referred to Committee on Business & Labor.

SB 104, introduced by Beck, Devaney, (by request of the Department of Commerce) referred to Committee on Business & Labor.

SB 120, introduced by Mahlum, referred to Committee on Business & Labor.

SB 125, introduced by Christiaens, (by request of the Department of Revenue) referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business

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on second reading. Motion carried. Representative Heavy Runner in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 10 - Representative Quilici moved HB 10 do pass.

Representative Tuss moved HB 10, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 29.

Strike: "\$250,000"

Insert: "\$180,000"

2. Page 4, line 2.

Insert: "NEW SECTION. Section 7. Infrastructure to support purchase and use of ethanol-fueled vehicles -- appropriation. There is appropriated \$70,000 from the stripper well payments contained in the federal special revenue fund to the department of environmental quality to help establish a refueling infrastructure that will support the use of ethanol-fueled (E-85) vehicles. A one-time investment of oil overcharge dollars will be used to leverage private sector funds to provide pilot alternative refueling stations to supply alternative-fueled vehicles."

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Lawson, McCann, McCulloch, Mood, Ohs, Pavlovich, Pease, Peck, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Wiseman, Wyatt.

Total 63

Noes: Arnott, Bankhead, Boharski, Bohlinger, Bookout, Cobb, Denny, Devaney, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Kasten, Keenan, Krenzler, Marshall, Masolo, McGee, Menahan, Mills, Orr, Prouse, Quilici, Simon, Sliter, Smith, Taylor, Vick, Wagner, Whitehead, Zook, Mr. Speaker.

Total 35

Voted Absentee: Knox, Aye.

Excused: Barnhart.

Total 1

Absent or not voting: Molnar.

Total 1

Representative Quilici moved HB 10, second reading copy, be further amended as follows (amendment #2):

1. Page 5, lines 12 through 18.

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Strike: Section 13 in its entirety
renumber: subsequent sections

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Whitehead.
Total 1

Excused: Barnhart.
Total 1

Absent or not voting: Harrington, Knox, Molnar.
Total 3

Representative Kasten moved HB 10, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows: (29-70).

Motion to pass HB 10, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Boharski, Brainard, Cobb, Denny, Devaney, Jore, Kasten, Keenan, McGee, Menahan, Molnar, Prouse, Rehbein, Vick, Wagner, Wells.
Total 17

Voted Absentee: Barnhart, Aye.

Excused: None.
Total 0

Absent or not voting: Hayne, Trexler.
Total 2

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HB 183 - Representative Masolo moved HB 183 do pass.

Representative Arnott moved HB 183, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (48-50).

Motion to pass HB 183 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Grinde, Mood, Rehbein, Story, Vick.

Total 5

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

HB 197 - Representative Krenzler moved HB 197 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Denny, Feland, Jore, Keenan, Lawson, Marshall, Molnar, Mood, Prouse, Rehbein, Trexler, Vick, Wagner, Walters, Wells.

Total 21

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

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Absent or not voting: Grinde.

Total 1

HB 206 - Representative McCann moved HB 206 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Adams, Denny, Hayne, J. Johnson, Jore, Mills, Mood, Simpson, Wagner.

Total 9

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar, Simpkins, Vick.

Total 3

HB 214 - Representative Grady moved HB 214 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Rose, Ryan, Simon, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Zook.

Total 61

Noes: Adams, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, DeBruycker, Dowell, Galvin, Gillan, Harper, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, McCann, McCulloch, McGee, Mills, Orr, Peck, Prouse, Raney, Ream, Rehbein, Sands, Schmidt, Simpkins, Simpson, Squires, Tuss, Wagner, Whitehead, Wyatt, Mr. Speaker.

Total 39

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 259 - Representative H. Hanson moved HB 259 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 70

Noes: Carey, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Grady, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 29

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Kottel.

Total 1

HB 263 - Representative Dowell moved HB 263 do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Ahner, DeBruycker, Devaney, Feland, Jore, Orr, Prouse, Story, Vick, Wagner, Wells.

Total 12

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Brainard, Clark.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Heavy Runner moved that the Committee of the Whole report be adopted. Report adopted. (91-3)

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Adams, Arnott, Bergsagel, Boharski, Bookout, Brainard, DeBruycker, Denny, Feland, Jore, Keenan, Lawson, Marshall, McCann, McGee, Molnar, Orr, Peck, Prouse, Rehbein, Smith, Vick, Wagner, Wells.
Total 24

Voted Absentee: Barnhart, Aye.

Excused: None.
Total 0

Absent or not voting: Grinde, Kottel.
Total 2

HB 12 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Adams, Brainard, Jore, Prouse.
Total 4

Voted Absentee: Barnhart, Aye.

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

HB 111 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Ellingson, Kasten, Rehbein, Tropila, Tuss.

Total 6

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Carey.

Total 1

HB 137 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Rehbein, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wiseman, Zook, Mr. Speaker.

Total 76

Noes: Adams, Boharski, Brainard, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Heavy Runner, Hurdle, Jore, McGee, Prouse, Ream, Ryan, Sands, Tuss, Vick, Wells, Whitehead, Wyatt.

Total 21

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Devaney, Kottel, Rose.

Total 3

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HB 168 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Arnott, Boharski, Brainard, Feland, Grinde, Jore, McGee, Orr.

Total 8

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 172 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Clark, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, McGee, Menahan, Mills, Molnar, Mood, Ohs, Prouse, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Sliter, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Arnott, Barnhart, Bergsagel, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Ellingson, Feland, Galvin, Gillan, Harper, Hurdle, J. Johnson, Kottel, Krenzler, Masolo, McCann, McCulloch, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Ryan, Sands, Simpson, Smith, Squires, Tuss, Wagner, Whitehead, Wyatt.

Total 35

Voted Absentee: ; Barnhart, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

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HB 168 - Representative Boharski moved he be allowed to change his vote on HB 168, third reading, from abstain to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m, Thursday, January 30, 1997. Motion carried.

House adjourned at 2:57 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
January 30, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Schmidt. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighteenth, nineteenth, twentieth legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 1/30/97

Correctly printed for second reading: HB 71, HB 92, HB 193, HB 200, HB 205, HB 212, HB 215, HB 229, HB 262, HB 330, HJR 2, HJR 7, SB 65.

Correctly engrossed for third reading: HB 10, HB 183, HB 197, HB 206, HB 214, HB 259, HB 263.

APPROPRIATIONS (Zook, Chairman): 1/29/97

HB 3, introduced bill, be amended as follows:

1. Title, line 6.

Following: "1997;"

Insert: "PROVIDING THAT CERTAIN APPROPRIATIONS CONTINUE INTO FISCAL YEAR 1998;"

2. Page 1, line 30.

Strike: "\$55,973"

Insert: "\$29,598"

3. Page 2, line 1.

Strike: "\$55,974"

Insert: "\$29,599"

4. Page 2, line 4.

Following: line 3

Insert:

"DEPARTMENT OF REVENUE

Property Assessment Division

Expert Witnesses

1997

\$125,000

General Fund

All remaining fiscal year 1997 general fund supplemental authority for expert witnesses is authorized to continue into fiscal year 1998.

ISD Computer Charges (Property Tax)

1997

\$66,000

General Fund

ISD Computer Charges (Income Tax)

1997

\$124,000

General Fund

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DEPARTMENT OF MILITARY AFFAIRS

Air Guard

Satisfaction of Judgment

1997 \$80,200

General Fund

All remaining fiscal year 1997 general fund supplemental authority for satisfaction of judgment is authorized to continue into fiscal year 1998."

And, as amended, do pass. Report adopted.

HB 23, introduced bill, do pass. Report adopted.

HB 101, introduced bill, be amended as follows:

1. Title, lines 5 through 8.

Following: "PROJECT;" on line 7

Insert: "EXEMPTING THE PROJECTS FROM CONSTRUCTION, PUBLIC BIDDING, BONDING, CONTRACTS, WORKERS' COMPENSATION COVERAGE, OR LABOR AND WAGE REQUIREMENTS; ALLOWING THE USE OF INMATE LABOR FOR CONSTRUCTION PROJECTS APPROVED BY THE LEGISLATURE AT THE MONTANA STATE PRISON;"

2. Page 2, line 5.

Strike: ";

Insert: ". The department of administration may exempt projects authorized by this section from the provisions of any applicable Montana law relating to construction, public bidding, bonding, contracts, workers' compensation coverage, or labor and wage requirements."

3. Page 3.

Following: line 14

Insert: "NEW SECTION. Section 2. Authorization of inmate labor for designated construction projects -- exemptions. (1) The department of corrections is authorized to use inmate labor for the purpose of construction projects at the Montana state prison that are authorized by the legislature. (2) The department of administration shall provide for construction of the projects authorized by this section, which are to be built by the lowest responsible bidder, with contract specifications to allow the use of inmate labor. The percentage of inmate labor must be determined prior to the advertising for bid of the projects through negotiations among the department of corrections, the department of administration, representatives of construction industry employers, and representatives of the building trades.

NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 4. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 2]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

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HB 178, introduced bill, do pass. Report adopted.

EDUCATION (Ellis, Chairman):

1/30/97

HJR 8, introduced bill, do pass. Report adopted.

SB 70, be concurred in. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

1/29/97

HB 74, introduced bill, be amended as follows:

1. Page 1, line 18.

Strike: "(2)"

Insert: "(3)"

2. Page 1, lines 18 and 19.

Strike: "United" on line 18

Strike: "States" on line 19

Insert: "state of Montana"

3. Page 1, line 25.

Following: "exceed"

Insert: "75 % of"

4. Page 1, line 26.

Following: "involved"

Insert: "plus taxes on the allowable cost"

5. Page 1, line 28.

Following: "exceed"

Insert: "75 % of"

6. Page 2, line 1.

Following: "~~day~~."

Insert: "Except as provided in subsection (3), for travel outside the state of Montana and within the United States, the following provisions apply:

(a) Lodging must be reimbursed at actual cost, not to exceed the prescribed maximum standard federal rate per day for the location involved plus taxes on the allowable cost.

(b) Meal reimbursement may not exceed the prescribed maximum standard federal rate per meal."

7. Page 2, line 2.

Following: "~~All~~"

Insert: "(3)"

Renumber: subsequent subsections

8. Page 2, line 5.

Following: "(1)(a)"

Insert: "or (2)(a)"

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9. Page 2, line 19.

Strike: "(3)"

Insert: "(4)"

10. Page 2, line 24.

Following: "(1)(a)"

Insert: "or (2)(a)"

And, as amended, do pass. Report adopted.

HB 260, introduced bill, be amended as follows:

1. Page 1, line 11.

Following: "freedom,"

Insert: "service,"

2. Page 2, line 5.

Strike: ", "

3. Page 2, line 6.

Strike: "at a minimum,"

Following: "represent"

Insert: "and reach out to"

4. Page 2, line 21.

Following: "nonviolence"

Strike: "and"

Insert: ", "

Following: "rights"

Insert: ", and the ethic of community service"

5. Page 2, line 27.

Following: "(b)"

Insert: "through private sources,"

And, as amended, do pass. Report adopted.

HJR 6, introduced bill, do pass. Report adopted.

SB 13, be amended as follows:

1. Page 2, line 8.

Strike: "may"

Insert: "shall"

And, as amended, be concurred in. Report adopted.

SB 40, be concurred in. Report adopted.

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SB 30, be concurred in. Report adopted.

1/30/97

TAXATION (Hibbard, Chairman):

1/30/97

HB 176, introduced bill, do pass. Report adopted.

HB 274, introduced bill, be amended as follows:

1. Title, line 5.

Following: "CORPORATIONS"

Insert: ", ELIMINATING THE RURAL COOPERATIVE UTILITIES ANNUAL FEE,"

2. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "15-31-202"

Insert: "AND 35-18-503"

3. Title, line 8.

Strike: the first "AND"

Following: "15-59-221,"

Insert: "35-18-504, 35-18-505, 35-18-506, AND 35-18-510,"

4. Page 1.

Following: line 18

Insert: "Section 2. Section 35-18-503, MCA, is amended to read:

"35-18-503. ~~Annual fee to department of revenue—exemption~~ Exemption from other taxes. Cooperatives and foreign corporations transacting business in this state pursuant to the provisions of this chapter ~~shall pay annually on or before July 1, to the department of revenue a fee of \$10 for each 100 persons or fractions thereof to whom electricity or telephone service was supplied during the previous calendar year within the state and, except as provided in 10-4-201, shall be~~ are exempt from all other excise and income taxes of whatsoever kind or nature."

Renumber: subsequent sections

5. Page 1, line 23.

Insert: "(3) Sections 35-18-504, 35-18-505, 35-18-506, and 35-18-510, MCA, are repealed."

6. Page 1, line 26.

Strike: "2(1)"

Insert: "3(1)"

Strike: "with"

Insert: "within"

7. Page 1, line 28.

Strike: "2(2)"

Insert: "3(2) and (3)"

And, as amended, do pass. Report adopted.

SB 20, be concurred in. Report adopted.

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MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

1/13/97

HB 26, introduced by Cobb

HB 33, introduced by Kasten

HB 48, introduced by Quilici

Senate bills passed and transmitted to the House for concurrence:

1/29/97

SB 68, introduced by Keating

SB 88, introduced by Beck

SB 126, introduced by Nelson

SB 153, introduced by Baer, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 1/29/97 to the House with the following vote:

YEAS - 35

NAYS - 15

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 396, introduced by Grimes, Bergman, Halligan, Kottel, Clark, Crippen, Bishop, Grosfield, referred to Committee on Judiciary.

HB 397, introduced by R. Johnson, (by request of the Governor) referred to Committee on Appropriations.

HB 398, introduced by R. Johnson, referred to Committee on Appropriations.

HB 399, introduced by Tuss, Christiaens, referred to Committee on Business & Labor.

HB 400, introduced by Hagener, Waterman, J. Johnson, Lynch, Menahan, Prouse, McCulloch, Heavy Runner, Cocchiarella, Harrington, Wilson, Hertel, Bishop, Molnar, Doherty, Schmidt, Dowell, Franklin, Jergeson, Grosfield, Squires, Whitehead, Beck, Bowman Shea, Simpson, Pavlovich, Beaudry, referred to Committee on Transportation.

HB 401, introduced by Barnett, Tropila, McCulloch, referred to Committee on Judiciary.

HB 402, introduced by Holland, referred to Committee on Agriculture.

HB 403, introduced by Swanson, Ryan, Carey, Rose, Tropila, Bohlinger, Peck, McCann, Schmidt, Hurdle, Simpson, J. Johnson, Menahan, referred to Committee on Taxation.

HJR 10, introduced by Hibbard, Waterman, Foster, Masolo, Bartlett, Ahner, Grady, Harper, Grimes, Beck, referred to Committee on Business & Labor.

The following Senate bills were introduced, read first time, and referred to committees:

SB 68, introduced by Keating, referred to Committee on Human Services.

SB 88, introduced by Beck, (by request of the Department of Commerce) referred to Committee on Business & Labor.

SB 126, introduced by Nelson, (by request of the Board of Regents) referred to Committee on Education.

SB 153, introduced by Baer, Molnar, Adams, Mills, Curtiss, Emerson, DeBruycker, Boharski, Sliter, Jore, Denny,

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Wells, Keating, Estrada, Keenan, Holden, Crippen, Hargrove, Burnett, Gage, Grosfield, Orr, Bankhead, Devaney, Crismore, Clark, Jenkins, referred to Committee on State/Federal Relations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 298 - Representative R. Johnson moved HB 298 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Jore, Kasten, Keenan, Masolo, McGee, Orr, Prouse, Rehbein, Vick, Wagner, Walters, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Ewer.

Total 1

HB 202 - Representative Galvin moved HB 202 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Arnott, Bergsagel, Boharski, Feland, Kasten, Keenan, McGee, Rehbein, Wagner.

Total 9

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Excused: None.

Total 0

Absent or not voting: Ewer.

Total 1

HB 108 - Representative Swanson moved HB 108 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Brainard, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Zook.

Total 83

Noes: Arnott, Bankhead, Bergsagel, Bookout, Clark, Curtiss, Galvin, Keenan, McCann, Orr, Ryan, Tuss, Wagner, Wyatt, Mr. Speaker.

Total 15

Excused: None.

Total 0

Absent or not voting: Grady, Smith.

Total 2

HB 154 - Representative Taylor moved HB 154 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Clark, Galvin.

Total 2

Excused: None.

Total 0

Absent or not voting: Denny, Mood.

Total 2

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HB 199 - Representative Knox moved HB 199 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bitney.

Total 1

HB 195 - Representative Tash moved HB 195 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Arnott, Bankhead, Bergsagel, Boharski, Cobb, Feland, Jore, Keenan, Kitzenberg, Lawson, McCann, McGee, Molnar, Mood, Orr, Peck, Vick, Wagner, Wells, Wyatt.

Total 20

Excused: None.

Total 0

Absent or not voting: Devaney.

Total 1

HB 330 - Representative Wiseman moved HB 330 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson,

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Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Brainard, Denny, Feland, Grinde, Jore, Orr, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 71 - Representative Mood moved HB 71 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, Cocchiarella, Ewer, Feland, Jore, Krenzler, Pavlovich, Rehbein, Sands, Tuss.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 205 - Representative R. Johnson moved HB 205 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Bankhead, Bergsagel, Boharski, Brainard, Denny, Feland, Grimes, Grinde, Jore, Keenan, Lawson,

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Masolo, McGee, Orr, Vick, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 229 - Representative Cobb moved HB 229 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Beaudry, Brainard, Denny, Hayne, Jore, Knox, Lawson, McGee, Molnar, Prouse, Smith, Story, Vick.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 7 - Representative Peck moved HJR 7 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Ellingson, Molnar, Orr, Prouse, Sands.

Total 5

Excused: None.

Total 0

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Absent or not voting: Carey, Grady, Harper, Kasten, McCann, Raney, Simpson.
Total 7

HB 93 - Representative Hagener moved HB 93 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Boharski, Feland, Grady, Jore, Rehbein, Vick.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 99 - Representative Trexler moved HB 99 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 82

Noes: Adams, Beaudry, Boharski, Cobb, Dowell, Heavy Runner, Jore, Keenan, Kitzenberg, McGee, Molnar, Prouse, Rehbein, Simpkins, Taylor, Vick, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: Simpson.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hibbard moved that the Committee of the Whole report be adopted. Report adopted. (97-2)

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 9 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Boharski, Brainard, Carey, Cobb, Ellingson, Ewer, Grinde, Harper, Hayne, Jore, Keenan, McGee, Molnar, Prouse, Rehbein, Sands, Story, Vick, Wagner, Walters, Wells.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 183 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Grinde, Rehbein, Story, Wyatt.

Total 4

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

HB 197 passed as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Denny, Feland, Grinde, Jore, Keenan, Lawson, Marshall, McCann, Mood, Prouse, Rehbein, Trexler, Vick, Wagner, Walters, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 206 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Denny, Hayne, J. Johnson, Jore, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 214 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Zook.

Total 60

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Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Carey, Clark, Cobb, DeBruycker, Feland, Galvin, Gillan, Harper, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, McCann, McCulloch, McGee, Mills, Orr, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Sands, Schmidt, Simpson, Tuss, Wagner, Whitehead, Wyatt, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 259 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Carey, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 263 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Adams, Brainard, DeBruycker, Feland, Hayne, Jore, Keenan, McGee, Orr, Prouse, Story, Vick, Wagner, Wells.

Total 14

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Excused: None.
Total 0

Absent or not voting: Wiseman.
Total 1

MOTIONS

HB 195 - Representative Grinde moved HB 195 be taken from third reading and rereferred to the Committee on Taxation. Motion carried.

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 390: Representative Harper.

The following sponsors were added to HB 112: Senator Bowman Shea, Senator Lynch, Senator Van Valkenburg, Senator Beck, Senator Halligan, Senator Waterman, Senator Hertel, Senator Bartlett, Representative Lawson, Representative Schmidt, Representative Menahan, Representative Rose, Representative Harper, Representative J. Johnson, Representative Masolo, Representative Squires, Representative Kitzenberg, Representative Cocchiarella, Representative Galvin, Representative Harrington, Representative Hibbard, Representative Pavlovich.

The following sponsors were added to HB 377: Representative Kitzenberg.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, January 31, 1997. Motion carried.

House adjourned at 3:02 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana
January 31, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wiseman. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Masolo, Simpkins, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

1/31/97

Correctly printed for second reading: HB 3, HB 23, HB 74, HB 101, HB 176, HB 260, HB 274, HJR 6, HJR 8, SB 13, SB 20, SB 30, SB 40, SB 70.

Correctly engrossed for third reading: HB 71, HB 93, HB 99, HB 108, HB 154, HB 199, HB 202, HB 205, HB 229, HB 298, HB 330, HJR 7.

Correctly enrolled: HB 26, HB 33, HB 48.

Examined by the sponsor and found to be correct: HB 26, HB 33, HB 48.

BUSINESS & LABOR (Simon, Chairman):

1/30/97

HB 302, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: "A" on line 4 through "FOR" on line 5

Insert: "A PROTOCOL FOR REFERRING"

Following: "USE"

Insert: "TO A REHABILITATION PROGRAM"

2. Title, lines 7 and 8.

Strike: "ASSISTANCE" on line 7 through "PROGRAM" on line 8

Insert: "REFERRAL"

3. Page 1, lines 13 and 14.

Following: "Rehabilitation"

Strike: "program"

Following: "a"

Strike: "program" on line 13 through "rehabilitate" on line 14

Insert: "protocol for the referral to a board-approved rehabilitation program for"

4. Page 1, lines 15 and 16.

Following: "substance" on line 15

Strike: "or" through "illness" on line 16

5. Page 1, line 20.

Following: "organization,"

Strike: "and"

Following: "of the association"

Strike: "shall"

Insert: ", "

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6. Page 1, lines 22 through 25.

Strike: ":" on line 22 through "mental impairment" on line 25

Insert: "physically or mentally impaired by habitual intemperance or excessive use of addictive drugs, alcohol, or any other drug or substance"

7. Page 1, line 27.

Following: "intemperance or"

Insert: "the"

8. Page 1, line 28.

Strike: "or to other mental or chronic physical illness of a licensee"

9. Page 1, line 29.

Strike: "established"

Insert: "endorsed"

10. Page 2, line 3.

Strike: "mental, physical, or"

11. Page 2, line 7.

Following: "aftercare;"

Insert: "or"

12. Page 2, lines 8 through 10.

Following: ", or others" on page 8

Strike: "; or" on line 8 through "unprofessional conduct" on line 10

13. Page 2, line 17.

Strike: "the"

Insert: "a"

Strike: "established"

Insert: "referred to"

And, as amended, do pass. Report adopted.

HB 310, introduced bill, do pass. Report adopted.

HB 350, introduced bill, do pass. Report adopted.

HB 367, introduced bill, be amended as follows:

1. Title, line 5.

Following: "TRAINING;"

Insert: "CHANGING THE EXPERIENCE REQUIREMENT FROM 1 YEAR TO 2 YEARS;"

2. Page 1, line 16.

Following: "least"

Strike: "1 year"

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Insert: "2 years"

And, as amended, do pass. Report adopted.

SB 161, be concurred in. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):

1/31/97

HB 271, introduced bill, be amended as follows:

1. Page 1, line 19.

Strike: "and 7 days of imprisonment"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

1/31/97

HB 46, introduced bill, be amended as follows:

1. Title, line 5.

Following: "REQUIRING"

Insert: "CERTAIN"

2. Page 3, line 25.

Following: "(1)"

Insert: "(a)"

Following: "organization"

Insert: "that has at least 10,000 enrollees"

3. Page 3.

Following: line 28

Insert: "(b) For the purposes of subsection (1)(a), an enrollee does not include an individual receiving medicaid services under the Montana medicaid program provided for in Title 53, chapter 6."

4. Page 4, line 9.

Strike: "[the effective date of this act]"

Insert: "January 1, 2000"

And, as amended, do pass. Report adopted.

HB 128, introduced bill, be amended as follows:

1. Page 2, line 28.

Strike: "facility established chiefly for educational purposes"

Insert: "preschool, as defined in 20-5-402, but"

2. Page 2, line 29.

Following: "are"

Insert: "at least"

Strike: "or older" through "day"

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Insert: "and not children 5 years of age or younger"

3. Page 2, line 30.

Following: "members"

Insert: "or guests of members"

Strike: "health club while using the health club facilities"

Insert: "recreational, educational, fraternal, charitable, or civic organization while using the facilities of the organization if the care provided on the premises is not provided on a regular basis"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

1/27/97

HB 234, introduced bill, be amended as follows:

1. Title, line 6.

Following: line 5

Insert: "PUBLIC SAFETY,"

Strike: "AND"

Insert: ", "

Following: "CRIMINALS"

Insert: ", PREVENTION, AND REFORMATION"

2. Title, lines 7 and 8.

Strike: "AND PROVIDING" on line 7 through "RESTORED" on line 8

3. Page 1, line 13.

Strike: "Punishment for crime"

Insert: "Criminal justice policy"

Strike: "Restitution"

Insert: "Public safety, restitution"

4. Page 1, line 14.

Strike: "and"

Insert: ", "

Following: "crime"

Insert: ", prevention, and reformation"

5. Page 1, line 16.

Strike: "The law may provide that the"

Insert: "Full"

Strike: "of persons may be"

Insert: "are"

Strike: "upon"

Insert: "by"

6. Page 1, lines 22 and 23.

Strike: "for" on each line

Insert: "of"

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Strike: "and the rights of the convicted" on each line

Insert: "to include public safety and restitution"

And, as amended, do pass. Report adopted.

HB 208, introduced bill, be amended as follows:

1/30/97

1. Page 3, line 14.

Page 6, line 11.

Following: "~~than~~"

Insert: "not less than \$100 or more than"

And, as amended, do pass. Report adopted.

HB 239, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: "PERFORMING" on line 4 through "NAMES THE NOTARY" on line 5

Insert: "NOTARIZING THE NOTARY'S OWN SIGNATURE"

2. Page 1, lines 28 and 29.

Strike: "perform" on line 28 through "notarized" on line 29

Insert: "notarize the notary's own signature"

And, as amended, do pass. Report adopted.

HB 257, introduced bill, do pass. Report adopted.

SB 24, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

1/30/97

HB 284, introduced bill, be amended as follows:

1. Page 2, line 2.

Following: " ; "

Insert: "or"

2. Page 2, line 3.

Strike: entire subsection (d)

Renumber: subsequent subsection

3. Page 15.

Following: line 15

Insert: "(3) If Senate Bill No. 125 is passed and approved and if it repeals 70-9-207, then the phrase "that are unclaimed under 70-9-207" in [sections 17, 18, and 19 of this act], amending 82-4-241, 82-4-311, and 82-4-424, is replaced by the phrase "that are presumed abandoned under [section 3 of Senate Bill No. 125]". "

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And, as amended, do pass. Report adopted.

HB 288, introduced bill, be amended as follows:

1. Page 2, line 23.

Following: "intended"

Insert: "to delay,"

Following: "with"

Insert: ", "

2. Page 3, line 15.

Following: "liability"

Insert: "or responsibility under 75-10-711"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/30/97

SB 8, introduced by Hargrove

SB 183, introduced by Mesaros

SJR 2, introduced by Jergeson

SJR 4, introduced by Jergeson

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 404, introduced by Rehbein, Tash, Devaney, DeBruycker, Kasten, Anderson, Cobb, Curtiss, Beaudry, Hibbard, referred to Committee on Fish, Wildlife, & Parks.

HB 405, introduced by Wyatt, Christiaens, Dowell, referred to Committee on Select Corrections.

HB 406, introduced by Bankhead, referred to Committee on Business & Labor.

HB 407, introduced by Ewer, Mohl, referred to Committee on Business & Labor.

HB 408, introduced by Trexler, referred to Committee on Natural Resources.

HB 409, introduced by Harrington, Harp, Swanson, Quilici, Lynch, Thomas, Kitzenberg, Menahan, Emerson, Hertel, DePratu, Dowell, Bowman Shea, DeBruycker, referred to Committee on Business & Labor.

HB 410, introduced by Ahner, DeBruycker, J. Johnson, Pavlovich, Hayne, referred to Committee on Business & Labor.

HB 411, introduced by Ahner, Bergman, Grimes, Bitney, Jore, Boharski, Brainard, referred to Committee on Judiciary.

HB 412, introduced by Bergman, Tuss, Molnar, Prouse, Ahner, referred to Committee on Human Services.

HB 413, introduced by Knox, referred to Committee on Fish, Wildlife, & Parks.

HB 414, introduced by McGee, referred to Committee on Natural Resources.

HB 415, introduced by Curtiss, Mills, Keenan, Jenkins, Devaney, Emerson, DeBruycker, Wagner, Smith, Orr, Jore, Benedict, Brainard, Kasten, Gage, Boharski, Rehbein, Keating, Adams, Clark, Baer, referred to Committee on Judiciary.

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HB 416, introduced by Prouse, Walters, Bitney, Adams, Rehbein, Boharski, Jenkins, Jore, Grinde, Curtiss, Brainard, Bishop, Orr, Thomas, Sliter, Wells, Ahner, Emerson, referred to Committee on Judiciary.

HJR 11, introduced by Jore, referred to Committee on State/Federal Relations.

HJR 12, introduced by Pavlovich, referred to Committee on State Administration.

HJR 13, introduced by Curtiss, Rehbein, Simpkins, Benedict, Feland, Baer, Sliter, Keenan, Ellis, Orr, Adams, Bergman, McGee, Wells, Keating, referred to Committee on State/Federal Relations.

HJR 14, introduced by Curtiss, Baer, Adams, Cobb, Orr, Sliter, Keating, Simpkins, Keenan, Benedict, Bergman, Stovall, referred to Committee on State/Federal Relations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 8, introduced by Hargrove, (by request of the Joint Oversight Committee on Children and Families) referred to Committee on Human Services.

SB 183, introduced by Mesaros, Knox, Grady, Hertel, Crismore, Cole, referred to Committee on Agriculture.

SJR 2, introduced by Jergeson, (by request of the Joint Committee on Postsecondary Education Policy and Budget) referred to Committee on Appropriations.

SJR 4, introduced by Jergeson, Hibbard, Nelson, Beck, Hargrove, Rose, Wilson, Jabs, Story, Stovall, Holden, Toews, Devlin, McNutt, Mesaros, Schmidt, Holland, Ryan, Hurdle, referred to Committee on Agriculture.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Devaney in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 2 - Representative Ream moved HJR 2 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Marshall, Masolo, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tuss, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Dowell, Galvin, Gillan, Jore, Keenan, Kottel, Lawson, McCann, McCulloch, Molnar, Orr, Peck, Prouse, Raney, Rehbein, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wyatt.

Total 32

Voted Absentee: Masolo, Simpkins, Ayes.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

HB 200 - Representative Ahner moved HB 200 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

HB 92 - Representative Tash moved HB 92 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Bergsagel, Boharski, Cobb, Heavy Runner, Jore, McCann, Peck.

Total 8

Voted Absentee: Bohlinger, Masolo, Ayes.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

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Representative Anderson assumed the Chair at this time.

HB 262 - Representative Barnett moved HB 262 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Arnott, Boharski, Brainard, Clark, Cobb, DeBruycker, Jore, Pease, Peck, Rehbein, Walters, Whitehead.

Total 12

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: None.

Total 0

Representative Devaney resumed the Chair at this time.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Devaney moved that the Committee of the Whole report be adopted. Report adopted. (92-4)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 10 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Arnott, Boharski, Cobb, Denny, Jore, Kasten, Keenan, McGee, Orr, Rehbein, Vick, Wagner, Walters, Wells.

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Total 15

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: Molnar.

Total 1

HB 71 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, Ewer, Jore, Peck, Rehbein, Tuss.

Total 6

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: Barnett, Molnar, Trexler.

Total 3

HB 93 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, Feland, Jore, Masolo, Prouse, Rehbein, Vick.

Total 7

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Voted Absentee: ; Masolo, No.

Excused: Simpkins.

Total 1

Absent or not voting: Adams, Krenzler, Molnar.

Total 3

HB 99 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Boharski, Cobb, Dowell, Heavy Runner, Jore, Keenan, McGee, Orr, Prouse, Rehbein, Taylor, Vick, Wagner.

Total 14

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: Clark, Mills, Molnar.

Total 3

HB 104 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Cobb, Jore, Kasten, Keenan, Prouse, Vick.

Total 6

Voted Absentee: Masolo, Aye.

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Excused: Simpkins.

Total 1

Absent or not voting: Ellis, Krenzler, Molnar.

Total 3

HB 108 passed as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wells, Whitehead, Wiseman, Zook.

Total 72

Noes: Arnott, Bankhead, Bergman, Bergsagel, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Feland, Galvin, Hayne, Keenan, Masolo, McCann, Orr, Ryan, Smith, Tuss, Wagner, Walters, Wyatt, Mr. Speaker.

Total 25

Voted Absentee: ; Masolo, No.

Excused: Simpkins.

Total 1

Absent or not voting: Gillan, Molnar.

Total 2

HB 154 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Clark, Galvin.

Total 2

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

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Absent or not voting: Molnar.

Total 1

HB 199 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Walters.

Total 1

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: Anderson, Molnar.

Total 2

HB 202 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Arnott, Bergsagel, Boharski, Jore, Kasten, Keenan, McGee, Orr, Rehbein, Vick, Wagner.

Total 11

Voted Absentee: Masolo, Aye.

Excused: Simpkins.

Total 1

Absent or not voting: Molnar.

Total 1

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HB 205 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Bankhead, Boharski, Brainard, Denny, Feland, Grimes, Jore, Lawson, Masolo, Orr, Sliter, Vick, Wagner.

Total 15

Voted Absentee: ; Masolo, No.

Excused: Simpkins.

Total 1

Absent or not voting: Heavy Runner, Molnar.

Total 2

HB 229 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Beaudry, Bergsagel, Brainard, Denny, Hayne, Jore, Knox, Lawson, Masolo, McGee, Prouse, Smith, Story, Vick.

Total 15

Voted Absentee: ; Masolo, No.

Excused: Simpkins.

Total 1

Absent or not voting: Molnar.

Total 1

HB 330 passed as follows:

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Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Bergsagel, Boharski, Brainard, Denny, Feland, Grinde, Jore, Orr, Prouse, Wagner.
Total 11

Voted Absentee: Masolo, Aye.

Excused: Simpkins.
Total 1

Absent or not voting: Knox, Molnar.
Total 2

HJR 7 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Ellingson, Krenzler, Orr, Prouse, Sands.
Total 5

Voted Absentee: Masolo, Aye.

Excused: Simpkins.
Total 1

Absent or not voting: Carey, Grimes, Molnar, Simpson.
Total 4

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 1, 1997. Motion carried.

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House adjourned at 2:42 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 1, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Walters. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Swanson, Bohlinger, Grady, Denny, McCann, M. Hanson, Hurdle, Taylor, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-first and twenty-second legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/1/97
Correctly printed for second reading: HB 46, HB 128, HB 208, HB 234, HB 239, HB 257, HB 271, HB 284, HB 288, HB 302, HB 310, HB 367, HB 350, SB 24, SB 161.
Correctly engrossed for third reading: HB 92, HB 200, HB 262, HJR 2.

AGRICULTURE (Barnett, Chairman): 1/31/97
HB 105, introduced bill, be amended as follows:

1. Title, line 7.
Following: "STOCK;"
Insert: "EXTENDING TO ALL COUNTIES CERTAIN RESTRICTIONS REGARDING THE PLANTING OR PROPAGATION OF NONCERTIFIED SEED POTATOES;"

2. Page 2, line 22.
Strike: "in certain counties -- restrictions"

3. Page 3, lines 5 through 11.
Following: "(2)" on line 5
Strike: the remainder of line 5 through "(3)" on line 11

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman): 1/31/97
HB 331, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Strike: "PLACEMENT" on line 5 through "PROHIBITING" on line 6

2. Title, line 7.
Strike: "16-11-305,"
Following: "16-11-306"
Strike: ", "

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3. Page 1, lines 12 through 21.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 1, line 24.

Following: "machines"

Strike: "prohibited"

Insert: "restricted"

5. Page 1, line 25.

Strike: "not"

Following: "~~in~~:"

Insert: "only in:

(1) vending machines that do not contain nontobacco products of any kind;

(2) places where alcoholic beverages are sold and consumed on the premises;

(3) a location where the vending machine is under the direct line-of-sight supervision of the owner or an employee of the establishment; and

(4) a restaurant if the restaurant has a bar and the restaurant area shares seating with the bar area"

6. Page 2, line 29 through page 3, line 2.

Following: "hearing" on page 2, line 29

Strike: remainder of line 29 through "services" on page 3, line 2

Following: "."

Insert: "The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act."

7. Page 3, lines 11 through 14.

Following: "hearing" on line 11.

Strike: the remainder of line 11 through "services" on line 14

Following: "."

Insert: "The hearing may be conducted using electronic equipment and must comply with the provisions of the Montana Administrative Procedure Act."

And, as amended, do pass. Report adopted.

HB 357, introduced bill, do pass. Report adopted.

SB 157, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):

1/31/97

HB 190, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "AT LEAST ANNUALLY"

Strike: "SECTION"

Insert: "SECTIONS"

2. Title, line 10.

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Following: "2-6-403"
Insert: "AND 20-1-212"

3. Page 2, line 3.
Strike: "and updates"
Insert: ". Updates"
Following: "those schedules"
Insert: ", if any, must be published"

4. Page 2, following line 7.
Insert: "

Section 2. Section 20-1-212, MCA, is amended to read:

"20-1-212. Destruction of records by school officer. (1) Upon the order of the board of trustees ~~and with the written approval of the local government records destruction subcommittee provided for in 2-6-403~~, a school officer may destroy records that have met the retention period, as contained in the local government records retention and disposition schedules, and that are no longer needed by the office.

(2) Student records must be permanently kept, and employment records must be kept for 10 years after termination."

And, as amended, do pass. Report adopted.

HB 319, introduced bill, do pass. Report adopted.

SB 25, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

1/31/97

HB 348, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/31/97

SB 31, introduced by Jenkins
SB 57, introduced by Waterman
SB 108, introduced by Beck
SB 151, introduced by Miller
SB 163, introduced by Christiaens

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 417, introduced by Ellingson, referred to Committee on Taxation.
HB 418, introduced by Ellingson, referred to Committee on Transportation.
HB 419, introduced by Simon, referred to Committee on Judiciary.
HB 420, introduced by Wagner, Beck, Baer, Adams, Jore, Jenkins, Devaney, Orr, Arnott, referred to Committee on Local Government.

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HB 421, introduced by Denny, referred to Committee on Local Government.

HB 422, introduced by Gillan, McCulloch, (by request of the Secretary of State) referred to Committee on State Administration.

HB 423, introduced by Krenzler, Ryan, Gillan, Kottel, Hurdle, referred to Committee on Transportation.

HB 424, introduced by Jore, referred to Committee on Taxation.

HB 425, introduced by Arnott, Marshall, Ewer, Wells, Ahner, Ellingson, Jore, Orr, Ohs, Hayne, Walters, Smith, Peck, Rose, Knox, Ream, Adams, Prouse, McGee, Eck, Keenan, Swanson, Barnett, Boharski, Curtiss, Bohlinger, Soft, Bergman, Wiseman, Hagener, Grimes, Brainard, Gage, Sands, Bartlett, Story, Clark, Bitney, Rehbein, Stovall, Wagner, Carey, Keating, Crippen, Toews, Schmidt, Mills, R. Johnson, Hurdle, Holland, Harper, Barnhart, Hargrove, referred to Committee on Business & Labor.

HJR 15, introduced by Ellingson, referred to Committee on Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 31, introduced by Jenkins, referred to Committee on Judiciary.

SB 57, introduced by Waterman, (by request of the Revenue Oversight Committee) referred to Committee on Taxation.

SB 108, introduced by Beck, (by request of the Montana Water Adjudication Advisory Committee) referred to Committee on Natural Resources.

SB 151, introduced by Miller, Beck, Molnar, referred to Committee on Taxation.

SB 163, introduced by Christiaens, Tuss, Ryan, Dowell, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 193 - Representative H. Hanson moved HB 193 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Grimes, Grinde, H.S. Hanson, Harper, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Carey, Cocchiarella, Dowell, Gillan, Hagener, Harrington, Heavy Runner, Hurdle, Mood, Ream, Ryan, Schmidt, Simpson, Swanson, Tuss, Whitehead, Wyatt.

Total 17

Voted Absentee: Bohlinger, Denny, McCann, Taylor, Ayes; Hurdle, Swanson, Noes.

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Excused: Grady, M. Hanson.
Total 2

Absent or not voting: J. Johnson.
Total 1

HB 215 - Representative Orr moved HB 215 do pass.

Representative Orr moved HB 215, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 25.
Following: "officer"
Insert: ", "
Following: "46-1-202"
Insert: ", or any other agent of a criminal justice agency"

2. Page 1, line 29.
Strike: "CRIMINAL JUSTICE AGENCY"
Insert: "law enforcement"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Grimes, Soft.
Total 2

Excused: Bohlinger, Denny, Grady, M. Hanson, Hurdle, McCann, Swanson, Taylor.
Total 8

Absent or not voting: Hagener, Krenzler, Wells.
Total 3

Motion that HB 215 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith,

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Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Grimes, Jore, Prouse, Raney, Soft.

Total 6

Voted Absentee: Bohlinger, Brainard, Denny, Hurdle, McCann, Swanson, Taylor, Ayes.

Excused: Grady, M. Hanson.

Total 2

Absent or not voting: Ellis.

Total 1

SB 58 - Representative Sliter moved SB 58 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Cobb, DeBruycker, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Vick, Wagner, Walters, Wyatt.

Total 18

Voted Absentee: Bohlinger, Brainard, Denny, Hurdle, McCann, Swanson, Taylor, Ayes.

Excused: Grady, M. Hanson.

Total 2

Absent or not voting: None.

Total 0

SB 65 - Representative Trexler moved SB 65 be concurred in. Motion carried as follows:

Ayes: Anderson, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

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Noes: Adams, Ahner, Arnott, Barnett, Barnhart, Boharski, DeBruycker, Hurdle, Jore, Kasten, Keenan, Orr, Vick.
Total 13

Voted Absentee: Bohlinger, Brainard, Denny, McCann, Swanson, Taylor, Ayes; Hurdle, No.

Excused: Grady, M. Hanson.
Total 2

Absent or not voting: None.
Total 0

SB 135 - Representative Ewer moved SB 135 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Boharski, Brainard, DeBruycker, Jore, Keenan, Prouse, Rehbein, Wells.
Total 9

Voted Absentee: Bohlinger, Denny, Hurdle, McCann, Swanson, Taylor, Ayes; Brainard, No.

Excused: Grady, M. Hanson.
Total 2

Absent or not voting: Bergman.
Total 1

HB 101 - Representative Bergsagel moved HB 101 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 67

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 33

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Voted Absentee: Bohlinger, Brainard, Denny, Grady, M. Hanson, McCann, Taylor, Ayes; Hurdle, Swanson, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 274 - Representative Vick moved HB 274 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, Kottel, McCann, McCulloch, Pavlovich, Pease, Quilici, Ream, Sands, Simpson, Tuss, Whitehead, Wyatt.

Total 23

Voted Absentee: Bohlinger, Brainard, Denny, M. Hanson, Swanson, Taylor, Ayes; Hurdle, McCann, Noes.

Excused: Grady.

Total 1

Absent or not voting: Trexler.

Total 1

HB 3 - Representative Zook moved HB 3 do pass.

Representative Wyatt asked to be excused from voting due to a conflict of interest.

Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Quilici, Raney, Ream, Rose, Sands, Simon, Simpson, Sliter, Smith, Squires, Stovall, Tash, Taylor, Tropila, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Adams, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Brainard, Carey, Cobb, Curtiss, DeBruycker, Denny, Dowell, Gillan, Grinde, Jore, Kasten, Keenan, Kottel, Lawson, Marshall, McCann, McGee, Molnar, Mood, Orr, Peck, Prouse, Rehbein, Ryan, Schmidt, Simpkins, Soft, Story, Swanson, Trexler, Tuss, Vick, Wagner, Wells.

Total 40

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Voted Absentee: Bohlinger, Grady, M. Hanson, Hurdle, Taylor, Ayes; Bergsagel, Brainard, Denny, McCann, Swanson, Noes.

Excused: None.
Total 0

Absent or not voting: Pease, Wyatt.
Total 2

HB 23 - Representative Ohs moved HB 23 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Hurdle.
Total 1

Voted Absentee: Bergsagel, Bohlinger, Brainard, Denny, M. Hanson, McCann, Swanson, Taylor, Ayes; Hurdle, No.

Excused: Grady.
Total 1

Absent or not voting: None.
Total 0

HB 176 - Representative Orr moved HB 176 do pass. Motion failed as follows:

Ayes: Bankhead, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Feland, Grady, M. Hanson, Harper, Hibbard, Hurdle, R. Johnson, Kitzenberg, Lawson, McCann, Orr, Quilici, Ryan, Schmidt, Simpkins, Smith, Swanson, Taylor.
Total 28

Noes: Adams, Ahner, Anderson, Arnott, Barnett, Bergman, Bergsagel, Boharski, Brainard, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harrington, Hayne, Heavy Runner, Holland, J. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Marshall, Masolo, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Prouse, Raney, Ream, Rehbein, Rose, Sands, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 71

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Voted Absentee: Bohlinger, Grady, M. Hanson, Hurdle, McCann, Swanson, Taylor, Ayes; Bergsagel, Brainard, Denny, Noes.

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

HJR 6 - Representative Heavy Runner moved HJR 6 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Arnott, Barnett, Bergsagel, Boharski, Clark, Jore, Keenan, McGee, Molnar, Prouse, Rehbein, Story, Vick.
Total 13

Voted Absentee: Bohlinger, Brainard, Denny, M. Hanson, Hurdle, McCann, Swanson, Taylor, Ayes; Bergsagel, No.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

HB 257 - Representative Kottel moved HB 257 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Boharski, Cobb, Denny, Jore, Keenan, Molnar, Prouse, Rehbein, Ryan, Story, Vick, Wagner.
Total 13

Voted Absentee: Bergsagel, Bohlinger, Brainard, Hurdle, McCann, Swanson, Taylor, Ayes; Denny, No.

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Excused: Grady, M. Hanson.
Total 2

Absent or not voting: None.
Total 0

HB 350 - Representative Beaudry moved HB 350 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Brainard, Cobb, Jore, Kasten, Keenan, Orr, Vick.
Total 7

Voted Absentee: Bergsagel, Bohlinger, Denny, Hurdle, McCann, Swanson, Taylor, Ayes; Brainard, No.

Excused: Grady, M. Hanson.
Total 2

Absent or not voting: None.
Total 0

SB 13 - Representative Menahan moved SB 13 be concurred in.

Representative Menahan moved SB 13, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 9.
Strike: "SHALL"
Insert: "may"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Ellingson, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Harrington, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Knox, Kottel, Marshall, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Tropila, Vick, Wagner, Wells, Zook, Mr. Speaker.
Total 63

Noes: Adams, Arnott, Barnhart, Carey, Cobb, Devaney, Dowell, Ewer, Hagener, H.S. Hanson, Harper, Hayne, Heavy Runner, Keenan, Kitzenberg, Krenzler, Lawson, Masolo, Mills, Pease, Sands, Simon, Squires, Tuss,

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Walters, Whitehead, Wiseman, Wyatt.
Total 28

Voted Absentee: Brainard, Grady, Ayes.

Excused: Bohlinger, Denny, M. Hanson, Hurdle, McCann, Swanson, Taylor.
Total 7

Absent or not voting: Bergsagel, Galvin.
Total 2

Motion that SB 13 be concurred in, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 86

Noes: Dowell, M. Hanson, Heavy Runner, Hurdle, Jore, Keenan, Kitzenberg, Orr, Pease, Ryan, Tuss, Whitehead, Wyatt.
Total 13

Voted Absentee: Bergsagel, Bohlinger, Brainard, Grady, McCann, Swanson, Taylor, Ayes; M. Hanson, Hurdle, Noes.

Excused: Denny.
Total 1

Absent or not voting: None.
Total 0

SB 20 - Representative Ellis moved SB 20 be concurred in.

Representative Harrington assumed the Chair at this time.

Representative Tropila resumed the Chair at this time.

Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr,

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Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Hurdle, Raney.

Total 3

Voted Absentee: Bergsagel, Bohlinger, Brainard, Denny, M. Hanson, McCann, Swanson, Taylor, Ayes; Hurdle, No.

Excused: Grady.

Total 1

Absent or not voting: Devaney, Holland, Simpkins.

Total 3

SB 30 - Representative Grinde moved SB 30 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Bergsagel, Bohlinger, Brainard, Denny, M. Hanson, Hurdle, McCann, Swanson, Taylor, Ayes.

Excused: Grady.

Total 1

Absent or not voting: Bergman, Ewer.

Total 2

SB 40 - Representative Ewer moved SB 40 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft,

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Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Adams, Arnott, Boharski, Jore, Keenan, Molnar, Prouse, Vick, Wagner.
Total 9

Voted Absentee: Bergsagel, Bohlinger, Brainard, Denny, M. Hanson, Hurdle, McCann, Swanson, Taylor, Ayes.

Excused: Grady.
Total 1

Absent or not voting: Grinde, Stovall.
Total 2

SB 70 - Representative Ellis moved SB 70 be concurred in. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Adams, Boharski, Curtiss, DeBruycker, Jore, Keenan, Orr, Prouse, Vick, Wagner.
Total 10

Voted Absentee: Bergsagel, Bohlinger, Brainard, Denny, M. Hanson, Hurdle, McCann, Swanson, Taylor, Ayes.

Excused: Grady.
Total 1

Absent or not voting: None.
Total 0

SB 24 - Representative Tash moved SB 24 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 92

Noes: Brainard, Curtiss, Jore, Orr, Prouse, Wagner.

Total 6

Voted Absentee: Bergsagel, Bohlinger, Denny, Hurdle, McCann, Swanson, Taylor, Ayes; Brainard, No.

Excused: Grady, M. Hanson.

Total 2

Absent or not voting: None.

Total 0

Representative Harrington assumed the Chair at this time.

SB 161 - Representative Tropila moved SB 161 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Jore, Orr, Prouse.

Total 4

Voted Absentee: Bergsagel, Bohlinger, Brainard, Denny, Hurdle, McCann, Swanson, Taylor, Ayes.

Excused: Grady, M. Hanson.

Total 2

Absent or not voting: None.

Total 0

Representative Tropila resumed the Chair at this time.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (84-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 92 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Bergsagel, Boharski, Cobb, Heavy Runner, Jore, Keenan, McCann, Peck.

Total 9

Voted Absentee: Bohlinger, Brainard, Denny, Hurdle, Swanson, Taylor, Ayes; Bergsagel, McCann, Noes.

Excused: Grady, M. Hanson.

Total 2

Absent or not voting: None.

Total 0

HB 200 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bergsagel, Bohlinger, Brainard, Denny, Hurdle, McCann, Swanson, Taylor, Ayes.

Excused: Grady, M. Hanson.

Total 2

Absent or not voting: None.

Total 0

HB 262 passed as follows:

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Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 88

Noes: Arnott, Boharski, Brainard, Clark, Cobb, DeBruycker, Jore, Peck, Rehbein, Whitehead.
Total 10

Voted Absentee: Bergsagel, Bohlinger, Denny, Hurdle, McCann, Swanson, Taylor, Ayes; Brainard, No.

Excused: Grady, M. Hanson.
Total 2

Absent or not voting: None.
Total 0

HJR 2 passed as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Krenzler, Marshall, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wiseman, Zook, Mr. Speaker.
Total 68

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Dowell, Gillan, Jore, Keenan, Kottel, Lawson, Masolo, McCann, McCulloch, McGee, Molnar, Orr, Peck, Prouse, Raney, Rehbein, Vick, Wagner, Walters, Wells, Whitehead, Wyatt.
Total 32

Voted Absentee: Bohlinger, Denny, Grady, M. Hanson, Hurdle, Swanson, Taylor, Ayes; Bergsagel, Brainard, McCann, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

HB 101 - Representative Menahan moved he be allowed to change his vote on HB 101, second reading, from aye to nay. Motion carried.

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SPECIAL ORDERS OF THE DAY

Mr. Speaker introduced the following as honorary pages for the day:

Amanda DeBruycker, Loma
Nellie Crowley, Helena

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, February 3, 1997. Motion carried.

House adjourned at 10:10 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
February 3, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bergsagel, Galvin, Menahan, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the twenty-third legislative day, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced this week's pages:

Edward Britton, Rollins
Sydney Jones, Miles City
Amy Kirscher, Townsend
Sarah Plumb, Laurel
Mark Seitz, Darby
Lorilee Steppler, Brockton
Brad Svee, Billings

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/3/97

Correctly printed for second reading: HB 105, HB 190, HB 319, HB 331, HB 348, HB 357, SB 25, SB 157.

Correctly engrossed for third reading: HB 3, HB 23, HB 101, HB 193, HB 215, HB 257, HB 274, HB 350, HJR 6, SB 13, SB 20, SB 24, SB 30, SB 40, SB 58, SB 65, SB 70, SB 135, SB 161.

Signed by the Speaker at 11:50 a.m., February 1, 1997: HB 33, HB 26, HB 48.

EDUCATION (Ellis, Chairman):

2/3/97

HB 314, introduced bill, be amended as follows:

1. Title, line 7.

Strike: "NATIONAL"

2. Page 1, line 14.

Strike: "national"

3. Page 1, line 15.

Strike: "national"

Following: "association"

Insert: "or a person recognized by the trustees as having expertise in firearms safety education"

And, as amended, do pass. Report adopted.

HB 347, introduced bill, be amended as follows:

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1. Page 1, line 15.

Following: "district"

Insert: "and that, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district"

And, as amended, do pass. Report adopted.

SB 10, be concurred in. Report adopted.

SB 38, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

2/3/97

HB 256, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "SUPERVISORY"

2. Page 2, line 3.

Strike: "supervisory"

And, as amended, do pass. Report adopted.

HB 340, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "DEATH"

And, as amended, do pass. Report adopted.

SB 14, be concurred in. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

2/3/97

SB 28, be concurred in. Report adopted.

TRANSPORTATION (Anderson, Chairman):

2/3/97

HB 320, introduced bill, be amended as follows:

1. Page 1, line 28.

Strike: "securing right-of-way,"

Strike: "or overhead"

Following: "costs"

Insert: "of engineering"

And, as amended, do pass. Report adopted.

SB 12, be concurred in. Report adopted.

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MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/1/97

SB 97, introduced by Grosfield
SB 149, introduced by Bishop
SB 186, introduced by Gage
SB 197, introduced by Grosfield

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 2/1/97

HB 20, introduced by Cobb
HB 75, introduced by Hagener
HB 151, introduced by Marshall

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 426, introduced by Kottel, Devaney, McCulloch, Gillan, Halligan, Harrington, Wyatt, Ellingson, Schmidt, Dowell, Tuss, referred to Committee on Judiciary.
HB 427, introduced by Raney, Grosfield, referred to Committee on Natural Resources.
HB 428, introduced by Krenzler, Bowman Shea, Eck, Hargrove, referred to Committee on Business & Labor.
HB 429, introduced by Wells, Prouse, Brainard, Orr, Adams, Clark, Keenan, Ahner, Jore, Emerson, Simpkins, referred to Committee on Judiciary.
HB 430, introduced by Simon, Simpkins, Christiaens, McCarthy, Hertel, Bartlett, Grady, Galvin, Squires, Clark, Bishop, Estrada, referred to Committee on State Administration.
HB 431, introduced by Quilici, Mills, Menahan, Lynch, Grinde, Beck, Ohs, Krenzler, Peck, McCarthy, Cocchiarella, Pavlovich, Harrington, Kottel, Harp, Grady, Ryan, Bowman Shea, Zook, Tropila, Simon, Mercer, Wilson, Van Valkenburg, Benedict, Hertel, Pease, Mahlum, Hibbard, Schmidt, Crippen, referred to Committee on Business & Labor.
HB 432, introduced by Kottel, referred to Committee on Judiciary.
HB 433, introduced by Walters, Grimes, Baer, Prouse, Simpkins, Brainard, Feland, Jore, Bitney, Curtiss, Wells, Orr, Boharski, Keenan, Ahner, Vick, Smith, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 97, introduced by Grosfield, (by request of the Department of Natural Resources and Conservation) referred to Committee on Natural Resources.
SB 149, introduced by Bishop, referred to Committee on Fish, Wildlife, & Parks.
SB 186, introduced by Gage, Doherty, referred to Committee on Rules.
SB 197, introduced by Grosfield, Simon, Foster, Bartlett, Ohs, Squires, Baer, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Denny in the Chair.

Representative Menahan present at this time.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 234 - Representative Bitney moved HB 234 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Kasten.

Total 1

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

HB 239 - Representative Tropila moved HB 239 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bergsagel, Galvin, Ayes.

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Excused: None.

Total 0

Absent or not voting: Menahan.

Total 1

HB 367 - Representative Beaudry moved HB 367 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Brainard, DeBruycker, Jore, Rehbein.

Total 5

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 310 - Representative Pavlovich moved HB 310 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Boharski, Brainard, Grimes, Jore, McGee, Prouse, Rehbein, Vick.

Total 10

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 288 - Representative Ohs moved HB 288 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Simpson.

Total 1

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 284 - Representative Ohs moved HB 284 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Brainard, Cobb, Curtiss, DeBruycker, Devaney, Kasten, McCann, Orr, Rehbein, Sliter, Smith, Tuss, Wagner.

Total 14

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

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Absent or not voting: Keenan, Sands.
Total 2

HB 271 - Representative Harper moved HB 271 do pass.

Representative Anderson moved HB 271, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 19.
Strike: "5 years"
Insert: "1 year"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pease, Peck, Rehbein, Rose, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 81

Noes: Ellingson, Gillan, Kottel, Krenzler, Molnar, Pavlovich, Prouse, Quilici, Raney, Ream, Ryan, Simon, Smith, Trexler, Tuss, Whitehead, Wyatt.
Total 17

Excused: Bergsagel, Galvin.
Total 2

Absent or not voting: None.
Total 0

Motion that HB 271 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Arnott, Bankhead, Bitney, Jore, Keenan, Orr, Prouse, Rehbein, Story, Wagner, Wells, Wiseman.
Total 13

Voted Absentee: Bergsagel, Galvin, Ayes.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 260 - Representative Heavy Runner moved HB 260 do pass. Motion failed as follows:

Ayes: Barnhart, Bitney, Bohlinger, Carey, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Sliter, Smith, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt, Mr. Speaker.

Total 43

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Simpson, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook.

Total 57

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 302 - Representative Bohlinger moved HB 302 do pass. Motion carried as follows:

Ayes: Barnett, Barnhart, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Squires, Stovall, Swanson, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 55

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, McGee, Mood, Ohs, Orr, Pease, Prouse, Rehbein, Sliter, Soft, Story, Tash, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 45

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 128 - Representative Grinde moved consideration of HB 128 be passed for the day. Motion carried.

HB 46 - Representative Grinde moved HB 46 do pass.

Representative Grinde moved HB 46, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 1.

Following: "CHAPTER 6"

Insert: ", or an individual participating in an approved medicare risk contract administered by a licensed health maintenance organization"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Bergsagel, Galvin.

Total 2

Absent or not voting: Devaney, Heavy Runner.

Total 2

Motion that HB 46 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 92

Noes: Adams, Boharski, Cobb, Grimes, Jore, Prouse, Smith.
Total 7

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.
Total 0

Absent or not voting: Heavy Runner.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Denny moved that the Committee of the Whole report be adopted. Report adopted. (84-6)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Clark, Cocchiarella, Curtiss, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Masolo, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 64

Noes: Adams, Arnott, Barnett, Barnhart, Bergsagel, Boharski, Brainard, Carey, Cobb, DeBruycker, Denny, Dowell, Gillan, Grinde, Jore, Kasten, Keenan, Kottel, Lawson, Marshall, McCann, Molnar, Mood, Orr, Peck, Prouse, Raney, Rehbein, Simpkins, Sliter, Story, Trexler, Vick, Wagner, Wells.
Total 35

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: Wyatt.
Total 1

HB 23 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Prouse.

Total 1

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 101 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 32

Voted Absentee: Bergsagel, Aye; Galvin, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 193 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Carey, Cocchiarella, Dowell, Galvin, Gillan, Hagener, Hurdle, Kottel, Mood, Ream, Ryan, Schmidt, Simpson, Swanson, Tuss, Whitehead, Wyatt.

Total 17

Voted Absentee: Bergsagel, Aye; Galvin, No.

Excused: None.

Total 0

Absent or not voting: Tropila.

Total 1

HB 257 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cobb, Denny, Grinde, Jore, Keenan, Molnar, Prouse, Rehbein, Ryan, Sliter, Story, Vick.

Total 17

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

HB 274 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellis, Feland,

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Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 82

Noes: Barnhart, Carey, Ellingson, Ewer, Galvin, Gillan, Harper, Hurdle, Kottel, McCulloch, Pavlovich, Pease, Ream, Sands, Tuss, Whitehead, Wyatt.
Total 17

Voted Absentee: Bergsagel, Aye; Galvin, No.

Excused: None.
Total 0

Absent or not voting: Devaney.
Total 1

HB 350 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Bergsagel, Brainard, Cobb, Jore, Kasten, Keenan, Orr, Vick, Wagner.
Total 9

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 6 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne,

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Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Arnott, Bergsagel, Boharski, Clark, Jore, Keenan, Marshall, McGee, Molnar, Orr, Prouse, Rehbein, Story, Vick.

Total 14

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Holland.

Total 1

SB 20 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, DeBruycker, McCann.

Total 3

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Adams.

Total 1

SB 24 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox,

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Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Brainard, Curtiss, Jore, Orr, Prouse, Wagner.

Total 6

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: Ellis, Grimes.

Total 2

SB 30 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Prouse, Rehbein.

Total 2

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: Hurdle.

Total 1

SB 40 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease,

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Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Adams, Arnott, Boharski, Curtiss, Jore, Keenan, Orr, Prouse, Vick, Wagner, Wells.

Total 11

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 58 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Arnott, Bankhead, Barnhart, Boharski, Cobb, DeBruycker, Jore, Kasten, Keenan, Orr, Prouse, Rehbein, Vick, Wagner, Wyatt.

Total 15

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.

Total 0

Absent or not voting: Simpson.

Total 1

SB 65 concurred in as follows:

Ayes: Ahner, Anderson, Bankhead, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler,

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Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 84

Noes: Adams, Arnott, Barnett, Barnhart, Bergsagel, Boharski, DeBruycker, Grimes, Hurdle, Jore, Kasten, Keenan, Orr, Raney, Soft, Vick.
Total 16

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 70 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Jore, Keenan, Mood, Orr, Prouse, Vick, Wagner.
Total 13

Voted Absentee: Galvin, Aye; Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 135 concurred in as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wyatt,

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Zook, Mr. Speaker.
Total 91

Noes: Adams, Boharski, Brainard, DeBruycker, Jore, Keenan, Rehbein, Wells.
Total 8

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.
Total 0

Absent or not voting: Wiseman.
Total 1

SB 161 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Boharski, Jore, Orr.
Total 3

Voted Absentee: Bergsagel, Galvin, Ayes.

Excused: None.
Total 0

Absent or not voting: Arnott, Carey, Devaney.
Total 3

MOTIONS

HJR 6 - Representative Heavy Runner moved he be allowed to change his vote on HJR 6, third reading, from abstain to aye. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, February 4, 1997. Motion carried.

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House adjourned at 2:49 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 4, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Denny. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Galvin, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/4/97

Correctly printed for second reading: HB 256, HB 314, HB 320, HB 340, HB 347, SB 10, SB 12, SB 14, SB 28, SB 38.

Correctly engrossed for third reading: HB 46, HB 234, HB 239, HB 271, HB 284, HB 288, HB 302, HB 310, HB 367.

NATURAL RESOURCES (Knox, Chairman):

2/4/97

HB 31, introduced bill, be amended as follows:

1. Title, line 7.

Following: " ; "

Insert: "PROVIDING ADDITIONAL GRANT AND LOAN CONDITIONS;"

2. Page 6, line 17.

Following: " . "

Insert: "(6) Grant and loan agreements with tribal governments in Montana must contain, in addition to other appropriate terms and conditions, the following conditions:

(a) a requirement that in the event a dispute or claim arises under the agreement, state law will govern as to the interpretation and performance of the agreement and that any judicial proceeding concerning the terms of the agreement will be brought in the district court of the first judicial district of the state of Montana;

(b) an express waiver of sovereign immunity signed by the tribal government; and

(c) an express waiver of any right to exhaust tribal remedies signed by the tribal government."

And, as amended, do pass. Report adopted.

HB 225, introduced bill, be amended as follows:

1. Page 1, line 29.

Strike: "proper"

2. Page 1, line 30.

Following: "less"

Insert: "if the tank is installed in conformance with all other applicable laws and regulations"

And, as amended, do pass. Report adopted.

HB 283, introduced bill, do pass. Report adopted.

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HB 285, introduced bill, be amended as follows:

1. Page 1, lines 28 and 29.

Following: "supervisors"

Strike: ", who need not be a member of the board of supervisors"

2. Page 1, line 30 and page 2, line 1.

Following: "supervisors"

Strike: ", who need not be a member of the board of supervisors"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/4/97

HB 384, introduced bill, do pass. Report adopted.

SB 7, be concurred in. Report adopted.

SB 119, be concurred in. Report adopted.

TRANSPORTATION (Anderson, Chairman):

2/3/97

HB 290, introduced bill, do pass. Report adopted.

SB 81, introduced bill, be amended as follows:

1. Page 4, line 13.

Following: the second "~~any~~"

Insert: "or involved in the accident"

2. Page 4, lines 14 and 15.

Following: "(b)"

Strike: "a" on line 14 through "(c)" on line 15

Re-number: subsequent subsections

3. Page 4, lines 15 and 16.

Following: "person"

Strike: "OR" in line 15 through "pedestrian" on line 16

Insert: "referred to in subsection (2)(a),"

Following: "~~by~~"

Insert: ", or the insurance carrier of that person"

4. Page 4, line 18.

Following: "executor"

Insert: ", "

Strike: "or"

Insert: "the"

Following: "administrator"

Insert: ", "

Following: "or"

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Strike: "by"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/3/97

SB 79, introduced by Christiaens
SB 95, introduced by Halligan
SB 133, introduced by Swysgood
SB 134, introduced by Nelson
SB 173, introduced by McNutt
SB 178, introduced by Doherty
SB 187, introduced by Crippen
SB 198, introduced by Grosfield

House bills concurred in and returned to the House:

2/3/97

HB 16, introduced by Pavlovich
HB 19, introduced by Pavlovich
HB 144, introduced by Simon

SB 170, introduced by Aklestad, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/3/97 to the House with the following vote:

YEAS - 34
NAYS - 16

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 434, introduced by Hibbard, Marshall, Grimes, Feland, Wiseman, Taylor, Tash, Simon, Mills, Baer, Ellis, Carey, Bitney, Ryan, Benedict, Bishop, Mahlum, Sliter, Rose, Hagener, Soft, R. Johnson, M. Hanson, Foster, Beaudry, Sprague, Ohs, Eck, McCulloch, Hayne, Holland, Halligan, Swanson, Sands, Heavy Runner, Jenkins, Lawson, Grosfield, Christiaens, Menahan, Waterman, Walters, Smith, Mood, Ahner, Quilici, Beck, Franklin, McCarthy, J. Johnson, Harrington, Bohlinger, Mohl, Hertel, Anderson, Ream, Harper, Hargrove, Pavlovich, Bowman Shea, Dowell, Raney, Devaney, Thomas, Grady, Denny, Burnett, Wilson, Stang, Stovall, Curtiss, McGee, Ellingson, Knox, Kottel, Kitzenberg, Simpson, Squires, Van Valkenburg, Zook, Clark, Masolo, Brooke, Krenzler, Peck, Bookout-Reinicke, referred to Committee on Taxation.

HB 435, introduced by Harper, referred to Committee on Business & Labor.

HB 436, introduced by Dowell, Bowman Shea, Kitzenberg, Menahan, Lawson, referred to Committee on Education.

HB 437, introduced by Beaudry, Pavlovich, Beck, Quilici, Lynch, referred to Committee on Natural Resources.

HB 438, introduced by Kottel, Hurdle, Ryan, Tuss, Krenzler, McCann, Sands, Pease, Hagener, McCulloch, Squires, Carey, Schmidt, Harper, Dowell, Cocchiarella, Pavlovich, referred to Committee on Taxation.

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HB 439, introduced by Schmidt, Krenzler, Masolo, Dowell, Peck, J. Johnson, Hagener, Denny, Kitzenberg, Rose, Quilici, referred to Committee on State Administration.

HB 440, introduced by Denny, Rehbein, Boharski, Prouse, Lawson, Brainard, Wells, Baer, Bohlinger, Story, Soft, Hagener, Heavy Runner, Carey, Schmidt, Stovall, Dowell, Mills, Bookout-Reinicke, Devaney, Sliter, Masolo, Ohs, Hayne, Keenan, Kottel, Tropila, Sands, Simpson, referred to Committee on State Administration.

HB 441, introduced by Bankhead, referred to Committee on Taxation.

HR 2, introduced by Harper, Raney, Bishop, Wyatt, Mood, Knox, Simon, Hibbard, Crippen, Tuss, Ohs, Barnhart, Schmidt, referred to Committee on Agriculture.

The following Senate bills were introduced, read first time, and referred to committees:

SB 170, introduced by Aklestad, Simpkins, Peck, Harp, Foster, Crippen, Hertel, Jabs, Glaser, Swysgood, Nelson, Devlin, Mesaros, Crismore, DePratu, Bishop, McCarthy, Burnett, Grinde, Waterman, Story, Clark, McNutt, referred to Committee on State Administration.

SB 79, introduced by Christiaens, (by request of the State Auditor) referred to Committee on Judiciary.

SB 95, introduced by Halligan, (by request of the Juvenile Justice and Juvenile Mental Health Study Commission) referred to Committee on Education.

SB 133, introduced by Swysgood, referred to Committee on Taxation.

SB 134, introduced by Nelson, Devaney, referred to Committee on Taxation.

SB 173, introduced by McNutt, DePratu, Christiaens, Lynch, Crismore, Thomas, Rose, Grinde, Sliter, Pavlovich, Peck, Mills, Rehbein, referred to Committee on Transportation.

SB 178, introduced by Doherty, Menahan, Halligan, referred to Committee on Judiciary.

SB 187, introduced by Crippen, Bohlinger, Sliter, Ahner, Van Valkenburg, Jergeson, Tash, Halligan, DePratu, Brooke, Harp, Mood, Denny, Squires, Peck, Ream, Raney, Harper, Swanson, Franklin, Lynch, Wilson, McCulloch, Mahlum, Cocchiarella, J. Johnson, Mesaros, Kitzenberg, Anderson, Dowell, Foster, Soft, Beaudry, referred to Committee on Appropriations.

SB 198, introduced by Grosfield, Masolo, Ellis, Anderson, Hertel, Lawson, referred to Committee on Education.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Orr in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 128 - Representative Grinde moved consideration of HB 128 be passed for the day. Motion carried.

HB 105 - Representative Barnett moved HB 105 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler,

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Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Prouse.
Total 1

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

HB 190 - Representative Anderson moved HB 190 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Boharski, Brainard, DeBruycker, Heavy Runner, Jore, McGee, Rehbein, Tash, Wagner, Wells.
Total 11

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Denny, Molnar.
Total 2

HB 319 - Representative Gillan moved HB 319 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

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Noes: Adams, Rehbein.
Total 2

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 348 - Representative Harrington moved HB 348 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Brainard, Rehbein.
Total 2

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

HB 357 - Representative Wells moved HB 357 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Gillan, Heavy Runner, Hurdle, Kottel, McCulloch, Squires.
Total 6

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Voted Absentee: Galvin, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Orr moved that the Committee of the Whole report be adopted. Report adopted. (96-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 215 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Grimes, Jore, Prouse, Soft.

Total 5

Voted Absentee: Galvin, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar, Tash.

Total 2

HB 234 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood,

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Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Kasten.
Total 1

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Gillan, Hibbard.
Total 2

HB 239 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.
Total 95

Noes: None.
Total 0

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Ellis, R. Johnson, Molnar, Tuss, Mr. Speaker.
Total 5

HB 284 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 86

Noes: Adams, Brainard, Cobb, Curtiss, DeBruycker, Jore, Kasten, Krenzler, Orr, Rehbein, Tuss, Vick, Wagner.
Total 13

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

HB 288 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.
Total 97

Noes: Cobb, Orr.
Total 2

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 302 passed as follows:

Ayes: Barnett, Barnhart, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Raney, Ream, Sands, Schmidt, Simon, Simpkins, Simpson, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.
Total 55

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, Hayne, Holland, Jore, Kasten, Keenan, Knox,

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Lawson, McGee, Molnar, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Sliter, Smith, Soft, Story, Trexler, Vick, Wagner, Walters, Wells, Mr. Speaker.
Total 44

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: Ryan.
Total 1

HB 310 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Adams, Arnott, Boharski, Grimes, Jore, McGee, Prouse, Rehbein, Vick.
Total 9

Voted Absentee: Galvin, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 367 passed as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Anderson, Arnott, Brainard, DeBruycker, Lawson, Molnar, Orr, Rehbein, Vick.

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Total 9

Voted Absentee: Galvin, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

HB 128 - Representative Grinde moved HB 128 be taken from the second reading board and rereferred to the Committee on Human Services. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, February 5, 1997. Motion carried.

House adjourned at 1:37 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 5, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Smith. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the twenty-fourth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/5/97
Correctly printed for second reading: HB 31, HB 225, HB 283, HB 285, HB 290, HB 384, SB 7, SB 81, SB 119.
Correctly engrossed for third reading: HB 105, HB 190, HB 319, HB 348, HB 357.
Correctly enrolled: HB 144, HB 19, HB 16.
Examined by the sponsor and found to be correct: HB 16, HB 19, HB 144.

BUSINESS & LABOR (Simon, Chairman): 2/4/97
HB 375, introduced bill, do pass. Report adopted.
HB 382, introduced bill, do pass. Report adopted.
SB 56, be concurred in. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman): 2/5/97
HB 289, introduced bill, be amended as follows:
1. Page 1, line 29 through page 2, line 1.
Strike: subsection (3) in its entirety
And, as amended, do pass. Report adopted.

SB 52, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman): 2/4/97
HB 27, introduced bill, be amended as follows:

1. Page 2, lines 7, 9 and 10, and 12.
Strike: "or another health carrier or managed care organization"
2. Page 2, line 10.
Following: " ; "
Insert: "or"

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3. Page 2, line 13.

Strike: "or"

4. Page 2, lines 14 and 15.

Strike: subsection (6)(a)(ii)(F) in its entirety

5. Page 3, lines 24 through 30.

Strike: subsections (2) and (3) in their entirety

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 297, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/4/97

HB 44, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "ASSETS"

Insert: "ACCOUNTS IN FINANCIAL INSTITUTIONS"

2. Title, line 7.

Strike: "BANK"

3. Page 1, lines 11 through 16.

Strike: "A correctional" on line 11 through "costs." on line 16

Insert: "An inmate of the Montana state prison in Deer Lodge or the women's correctional system in Billings shall use the prison inmate trust account system administered by the department of corrections to send money out of or receive money in the facility unless the department grants the inmate an exception. If an inmate accumulates a balance in excess of \$200 in the inmate's prison inmate trust account the excess may, at the department's discretion, be forfeited for the payment of restitution or costs of incarceration."

4. Page 1, line 19.

Strike: "asset"

Insert: "financial"

Strike: "bank"

5. Page 1, lines 19 through 24.

Strike: "Each" on line 19 through end of line 24

Insert: "Upon incarceration at the Montana state prison in Deer Lodge or the women's correctional system in Billings, an inmate shall:

(a) make full disclosure of all the inmate's accounts in financial institutions to the department of corrections in writing and under oath;

(b) sign a release authorizing any financial institution in which the inmate has an account of any kind to provide the department with copies of records of any transaction in the account during the inmate's term of incarceration in the prison or correctional system. Released copies of records are confidential criminal justice information as defined in 44-5-103.

(c) sign a release authorizing the department to monitor any inmate account in a financial

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institution.

(2) Failure of an inmate to disclose information under subsection (1)(a) or sign a release under subsection (1)(b) or (1)(c) is an offense under 45-7-302."

And, as amended, do pass. Report adopted.

HB 68, introduced bill, be amended as follows:

1. Title, line 5.

Following: "LIABILITY FOR"

Insert: "NEGLIGENT"

2. Title, line 7.

Following: "CRIME;"

Insert: "PROVIDING A TEST FOR DECIDING A MOTION BY A DEFENDANT FOR DISMISSAL OR FOR SUMMARY JUDGMENT IN A TORT SUIT;"

3. Title, line 8.

Following: "DATE"

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 18.

Following: "accrued"

Insert: "as a result of negligence on the part of the state or a political subdivision of the state"

5. Page 1, line 20.

Following: "offense"

Insert: ", except damages resulting from medical malpractice. The immunity granted by this subsection (1)(b) does not extend to gross negligence, willful or wanton misconduct, or an intentional tort"

6. Page 1, line 25.

Insert: "NEW SECTION. Section 2. Tort suit by prisoner against state or local government -- test for dismissal and summary judgment. If, on a motion of the state or political subdivision under Rule 12(b)(6), 12(c), or 56(c), Montana Rules of Civil Procedure, the judge finds that with respect to a claim against the state or one of its political subdivisions for tort damages suffered by a claimant while confined or otherwise in or on the premises of a correctional or detention institution to serve a sentence imposed upon conviction of a criminal offense, there is not a sufficient basis in the law for a reasonable jury to find for the claimant with respect to that claim, the motion must be granted."

Renumber: subsequent sections

7. Page 2, line 2.

Following: "liability"

Insert: "for negligent torts"

8. Page 2, lines 5 and 6.

Strike: section 4 of the bill in its entirety

Renumber: subsequent section

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And, as amended, do pass. Report adopted.

HB 268, introduced bill, do pass. Report adopted.

HB 321, introduced bill, do pass. Report adopted.

HB 339, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "AND"

2. Title, line 7.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 2.

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/4/97

SB 195, introduced by Harp

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 442, introduced by Menahan, Smith, Beck, Lynch, Bowman Shea, McCarthy, Pavlovich, referred to Committee on Business & Labor.

HB 443, introduced by Swanson, Halligan, Ryan, Harper, Gillan, Franklin, Doherty, referred to Committee on Taxation.

HB 444, introduced by Wells, Bitney, McGee, Emerson, Denny, Wiseman, Brainard, Jore, Walters, referred to Committee on Transportation.

HB 445, introduced by Wiseman, Simpkins, Wells, Grinde, Holland, Arnott, Lawson, Stang, Bankhead, Mood, Rose, Taylor, M. Hanson, Hayne, Ahner, McGee, Grady, referred to Committee on Business & Labor.

HB 446, introduced by Pavlovich, Harrington, Tuss, Menahan, Lynch, Quilici, McCarthy, Beaudry, McCulloch, Squires, Bowman Shea, Stang, referred to Committee on Taxation.

HB 447, introduced by Stovall, referred to Committee on Business & Labor.

HB 448, introduced by Kottel, referred to Committee on Education.

HB 449, introduced by Kottel, referred to Committee on Education.

HB 450, introduced by McGee, referred to Committee on Natural Resources.

HB 451, introduced by Simpkins, referred to Committee on Taxation.

HB 452, introduced by Ewer, Bishop, referred to Committee on Natural Resources.

HB 453, introduced by Arnott, Mood, Prouse, Walters, Soft, Adams, Molnar, Baer, Keenan, Curtiss, Burnett,

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Bergman, Devaney, Grimes, Rehbein, Mesaros, Barnett, Hargrove, Boharski, Ohs, Ahner, Orr, McGee, Estrada, Knox, Mills, Smith, Wiseman, DePratu, referred to Committee on Judiciary.

HB 454, introduced by Prouse, Ahner, Bergman, Molnar, Adams, Devaney, Walters, Soft, Burnett, Smith, Keenan, Jore, Molnar, Barnett, Curtiss, Baer, Grimes, Rehbein, Orr, Wiseman, Hargrove, Mood, Knox, DePratu, Mills, Estrada, McGee, Mesaros, Boharski, referred to Committee on Judiciary.

HB 455, introduced by Krenzler, Gillan, Hurdle, Tuss, Sands, Kottel, Heavy Runner, Schmidt, Dowell, referred to Committee on Taxation.

HB 456, introduced by Vick, Adams, Marshall, Molnar, Boharski, Prouse, Keenan, Orr, Feland, Clark, Walters, Jore, Curtiss, Wells, McGee, DeBruycker, referred to Committee on Appropriations.

HB 457, introduced by Adams, Tash, Baer, Curtiss, Hayne, Walters, Mahlum, Grinde, referred to Committee on Business & Labor.

HB 458, introduced by Kasten, referred to Committee on State Administration.

HB 459, introduced by Kasten, Christiaens, referred to Committee on State Administration.

HB 460, introduced by Harrington, Swysgood, Ellingson, Squires, Doherty, Kitzenberg, Halligan, Cocchiarella, referred to Committee on State Administration.

HB 461, introduced by Wyatt, referred to Committee on Local Government.

The following Senate bill was introduced, read first time, and referred to committee:

SB 195, introduced by Harp, Mercer, Aklestad, McCann, Foster, Rose, Jore, Bitney, Denny, Soft, Adams, Wells, DePratu, Ellis, Sliter, Lawson, Mood, Wiseman, Molnar, Taylor, Grosfield, Wagner, Mohl, Simpson, Peck, Dowell, Grinde, Ohs, Walters, Hayne, Mills, M. Hanson, Cobb, Bookout-Reinicke, Barnett, Orr, Crippen, Hertel, Tash, Baer, Emerson, Stang, Lynch, Jabs, Keating, Nelson, Hargrove, McNutt, Bankhead, Masolo, Knox, Anderson, Rehbein, Boharski, Keenan, Curtiss, Bergman, Grimes, Zook, Brainard, Hibbard, Grady, Devlin, Trexler, Pavlovich, Quilici, McGee, Kottel, Swysgood, Beck, Mesaros, Burnett, Wilson, Bishop, Sprague, Crismore, Jenkins, Thomas, Mahlum, Taylor, Feland, Bowman Shea, Smith, Beaudry, referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Carey in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 210 - Representative Hayne moved HB 210 do pass.

Representative Harper moved HB 210, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 11.

Strike: "and"

2. Page 2, line 14.

Following: "recording"

Insert: "; and

(c) that because of geographical constraints requires enhancement to a basic 9-1-1 system to provide

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adequate coverage within the 9-1-1 area before implementing enhanced system capabilities set forth in subsections (8) (a) and (8) (b)"

Representative Grinde moved consideration of HB 210 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 212 - Representative Raney moved consideration of HB 212 be passed for the day. Motion carried.

HB 256 - Representative Bergman moved HB 256 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Sands, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Barnhart, Cocchiarella, Denny, Ellingson, Ewer, Galvin, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, McCann, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Schmidt, Simpson, Squires, Swanson, Tuss, Whitehead.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Carey moved that the Committee of the Whole report be adopted. Report adopted. (93-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 46 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 94

Noes: Adams, Cobb, Grimes, Raney.

Total 4

Excused: None.

Total 0

Absent or not voting: Boharski, Jore.

Total 2

HB 105 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ellis, Hibbard, Kitzenberg.

Total 3

HB 190 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Brainard, DeBruycker, Jore, McGee, Rehbein, Wagner.

Total 7

Excused: None.

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Total 0

Absent or not voting: Gillan.

Total 1

HB 271 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Ahner, Arnott, Bankhead, Brainard, Devaney, Jore, Keenan, Prouse, Rehbein, Story, Wagner, Wells.

Total 13

Excused: None.

Total 0

Absent or not voting: Heavy Runner.

Total 1

HB 319 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Adams.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 348 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: Brainard, Gillan.
Total 2

Excused: None.
Total 0

Absent or not voting: Simon.
Total 1

HB 357 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Hagener, Hurdle, Kottel, McCulloch, McGee, Squires.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 13 concurred in as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter,

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Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Cobb, Dowell, Heavy Runner, Hurdle, Keenan, Kitzenberg, Orr, Whitehead, Wyatt.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, February 6, 1997. Motion carried.

House adjourned at 2:02 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 6, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Carey. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bergsagel, Orr, Taylor, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/6/97
Correctly printed for second reading: HB 27, HB 44, HB 68, HB 268, HB 289, HB 297, HB 321, HB 339, HB 375, HB 382, SB 52, SB 56.
Correctly engrossed for third reading: HB 256.
Signed by the Speaker at 3:45 p.m., 2/5/97: HB 16, HB 19, HB 144.

AGRICULTURE (Barnett, Chairman): 2/5/97
HB 392, introduced bill, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman): 2/5/97
SB 80, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman): 2/5/97
HB 342, introduced bill, do pass. Report adopted.

SB 36, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman): 2/6/97
HB 344, introduced bill, do pass. Report adopted.

SB 50, be concurred in. Report adopted.

SB 59, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman): 2/5/97
HB 308, introduced bill, be amended as follows:

1. Title, line 5.

Following: "CIDER;"

Insert: "CLARIFYING THAT THE ADDITIONAL TAX ON TABLE WINE DOES NOT APPLY AS AN ADDITIONAL TAX ON CIDER; CLARIFYING THAT THE DEPARTMENT OF REVENUE MUST COLLECT THE TAX ON THE SALE OF CIDER IN THE SAME MANNER IT NOW COLLECTS TAXES ON TABLE WINE;"

2. Title, line 7.

Following: "16-1-411,"

Insert: "16-2-301,"

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3. Title, line 8.
Strike: "16-3-415,"

4. Page 3, line 28.
Following: "(2)"
Strike: "(a)"

5. Page 4.
Strike: lines 3 and 4 in their entirety

6. Page 4, lines 5 and 6.
Following: "subsection (2)" on line 5
Strike: the remainder of line 5 through "(2)(b)" on line 6

7. Page 4, line 8.
Strike: "16 cents"
Insert: "59.26 %"
Strike: "and"

8. Page 4, lines 9 and 10.
Following: "(b)" on line 9
Strike: the remainder of line 9 through "8 1/3 cents" on line 10
Insert: "30.86 %"

9. Page 4, line 12.
Strike: "(ii) 1 1/3 cents"
Insert: "(c) 4.94 %"

10. Page 4, line 14.
Strike: "(iii) 1 1/3 cents"
Insert: "(d) 4.94 %"

11. Page 4, line 26 through page 5, line 9.
Strike: section 3 in its entirety
Insert: "Section 3. Section 16-2-301, "MCA, is amended to read:

"16-2-301. Retail selling price on table wine -- tax on certain table wine.(1) The retail selling price at which table wine is sold at an agency liquor store is as determined by the agent.

(2) In addition to the tax on wine assessed under 16-1-411, there is a tax of 1 cent a liter on table wine sold by a table wine distributor to an agent as described in subsection (1). This additional tax must be paid to the department by the distributor in the same manner as the tax under 16-1-411 is paid. The department shall deposit the tax paid under this section in the general fund.

(3) For the purposes of this section, "table wine" does not include cider."

12. Page 5, line 13.
Following: "~~wines~~"
Strike: "wine"
Insert: "wines"

13. Page 5, line 14.

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Following: "~~wines~~"

Strike: "wine"

Insert: "wines"

And, as amended, do pass. Report adopted.

SB 125, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/5/97

SB 82, introduced by Mahlum

SB 113, introduced by McCarthy

SB 116, introduced by Nelson

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 5, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 26 sponsored by Representative Cobb on February 5, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 462, introduced by Stovall, Taylor, Ahner, Denny, Adams, Tash, Wells, Jore, Boharski, Prouse, Feland, Molnar, Mood, Soft, Anderson, R. Johnson, Simon, Zook, Orr, Brainard, Wagner, Rehbein, Clark, Holland, Taylor, M. Hanson, Arnott, Hayne, Gillan, Harper, Mohl, referred to Committee on Transportation.

HB 463, introduced by Arnott, Van Valkenburg, Brainard, referred to Committee on Local Government.

HB 464, introduced by Walters, Adams, Simpkins, Wells, Prouse, Benedict, Marshall, Brainard, Hayne, Kitzenberg, Jore, Harper, Bohlinger, Bookout-Reinicke, Mood, referred to Committee on Transportation.

HB 465, introduced by Menahan, referred to Committee on Taxation.

HB 466, introduced by Barnhart, Eck, Carey, Marshall, Swanson, referred to Committee on Transportation.

HB 467, introduced by Menahan, Pavlovich, Quilici, Peck, referred to Committee on Appropriations.

HB 468, introduced by Gillan, Hagener, referred to Committee on State Administration.

HB 469, introduced by Brainard, Prouse, Wells, Jore, Denny, Simpkins, Kasten, Curtiss, Walters, Emerson,

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referred to Committee on State Administration.

HB 470, introduced by Heavy Runner, Peck, Denny, McCulloch, referred to Committee on Business & Labor.

HB 471, introduced by Gillan, Hurdle, Heavy Runner, Swanson, Ryan, Ewer, Harper, Pease, referred to Committee on Taxation.

HB 472, introduced by Ellingson, referred to Committee on Human Services.

HB 473, introduced by Ellingson, referred to Committee on Business & Labor.

HB 474, introduced by Cobb, referred to Committee on Agriculture.

HB 475, introduced by Cobb, referred to Committee on Natural Resources.

HB 476, introduced by Ewer, Barnhart, Eck, Ream, Hagener, Swanson, Bohlinger, Hurdle, Harper, referred to Committee on Taxation.

HB 477, introduced by Molnar, referred to Committee on Select Corrections.

HB 478, introduced by Wiseman, Molnar, Thomas, Benedict, Burnett, Beaudry, Quilici, Harper, Gage, Halligan, referred to Committee on Business & Labor.

HJR 16, introduced by Pavlovich, Quilici, Bowman Shea, Harrington, Hagener, Tropila, McCarthy, Menahan, J. Johnson, Whitehead, Simpson, Galvin, Squires, referred to Committee on State Administration.

HJR 17, introduced by Pavlovich, Quilici, Bowman Shea, Harrington, Tropila, Menahan, McCarthy, J. Johnson, Whitehead, Hagener, Simpson, Galvin, Squires, referred to Committee on State Administration.

HJR 18, introduced by DeBruycker, Mesaros, referred to Committee on Human Services.

The following Senate bills were introduced, read first time, and referred to committees:

SB 82, introduced by Mahlum, (by request of the Department of Transportation) referred to Committee on Transportation.

SB 113, introduced by McCarthy, (by request of the State Auditor) referred to Committee on Business & Labor.

SB 116, introduced by Nelson, referred to Committee on Business & Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Soft in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 210 - Representative Grinde moved consideration of HB 210 be passed for the day. Motion carried.

HB 268 - Representative Grinde moved consideration of HB 268 be passed for the day. Motion carried.

HB 212 - Representative Raney moved HB 212 do pass.

Representative Raney moved HB 212, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 17.

Following: "of"

Insert: "undisputed"

2. Page 2, line 1.

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Insert: "(4) For purposes of this section, state ownership or state lease of island property is disputed if the dispute arises before, on, or after [the effective date of this act]."

Amendment #1 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Ahner, Arnott, Bankhead, Bergman, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, M. Hanson, Jore, Lawson, Masolo, McGee, Mills, Prouse, Rose, Taylor, Wells, Wiseman.

Total 23

Voted Absentee: Taylor, No.

Excused: Bergsagel, Orr.

Total 2

Absent or not voting: None.

Total 0

Representative Raney moved HB 212, second reading copy, be further amended as follows (amendment #2):

1. Page 1, line 22.

Following: "trash;"

Strike: "and"

2. Page 1, line 23.

Following: "commission"

Insert: "; and

(c) footings or pilings necessary for the construction of a pedestrian-only foot bridge"

Amendment #2 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Beaudry, Boharski, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wyatt, Mr. Speaker.

Total 69

Noes: Adams, Ahner, Arnott, Bankhead, Bergman, Bitney, Brainard, Clark, Cobb, DeBruycker, Denny, Devaney, Feland, Grinde, Hayne, Jore, Kasten, Keenan, Lawson, Masolo, McGee, Mills, Prouse, Story, Taylor, Trexler,

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Vick, Wiseman, Zook.

Total 29

Voted Absentee: Taylor, No.

Excused: Bergsagel, Orr.

Total 2

Absent or not voting: None.

Total 0

Motion that HB 212 do pass, as amended, carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Molnar, Ohs, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Adams, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Clark, DeBruycker, Denny, Devaney, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Lawson, Masolo, McGee, Mills, Mood, Orr, Pavlovich, Prouse, Rehbein, Rose, Sliter, Taylor, Vick, Wells, Wiseman.

Total 37

Voted Absentee: Bergsagel, Orr, Taylor, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 314 - Representative Simpkins moved HB 314 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Boharski, Cocchiarella, Ellingson, Grinde, J. Johnson, Jore, Kasten, Keenan, Masolo, Pease, Ream, Sands, Story, Swanson, Taylor, Vick, Whitehead.

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Total 17

Voted Absentee: Bergsagel, Orr, Ayes; Taylor, No.

Excused: None.

Total 0

Absent or not voting: Kottel.

Total 1

Representative Orr present at this time.

HB 320 - Representative Anderson moved HB 320 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Pease.

Total 2

Voted Absentee: Bergsagel, Aye.

Excused: Taylor.

Total 1

Absent or not voting: None.

Total 0

HB 340 - Representative Kottel moved HB 340 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

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Total 0

Voted Absentee: Bergsagel, Aye.

Excused: Taylor.

Total 1

Absent or not voting: Molnar.

Total 1

HB 347 - Representative Lawson moved HB 347 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Curtiss, Denny, Jore, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Story, Taylor, Vick, Wagner.

Total 20

Voted Absentee: Bergsagel, Taylor, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 31 - Representative Heavy Runner moved HB 31 do pass. Motion carried as follows:

Ayes: Barnhart, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpkins, Simpson, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Whitehead, Wyatt, Mr. Speaker.

Total 58

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Curtiss, DeBruycker, Denny, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Lawson, Marshall, Masolo, McGee, Orr, Prouse, Rehbein, Rose, Simon, Sliter, Smith, Soft, Tash, Wagner, Walters, Wells, Wiseman, Zook.

Total 41

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Voted Absentee: Bergsagel, Taylor, Ayes.

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

HB 225 - Representative Kitzenberg moved HB 225 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: Wyatt.

Total 1

Voted Absentee: Bergsagel, Aye.

Excused: Taylor.

Total 1

Absent or not voting: None.

Total 0

HB 283 - Representative Swanson moved HB 283 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook.

Total 76

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cobb, Feland, Hayne, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Smith, Vick, Wagner, Wells.

Total 20

Voted Absentee: Bergsagel, No.

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Excused: Taylor.

Total 1

Absent or not voting: Denny, Simpson, Mr. Speaker.

Total 3

HB 285 - Representative Sliter moved HB 285 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Bankhead, Barnhart, Bergsagel, Boharski, DeBruycker, Denny, Feland, Grinde, Hagener, Heavy Runner, R. Johnson, Jore, Kasten, Krenzler, McGee, Molnar, Mood, Pease, Ream, Rose, Sands, Tuss, Vick, Wagner, Walters, Wells.

Total 27

Voted Absentee: Taylor, Aye; Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 290 - Representative Harper moved HB 290 do pass.

Representative Harper moved HB 290, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 17.

Following: "right-of-way"

Insert: ", except lighted materials used as safety signaling devices,"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

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Noes: None.
Total 0

Excused: Bergsagel, Taylor.
Total 2

Absent or not voting: None.
Total 0

Motion that HB 290 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Cocchiarella, Devaney, Jore, Kasten, Keenan, Mood, Orr, Rehbein, Smith, Squires, Story, Wagner, Zook.
Total 19

Voted Absentee: Taylor, Aye; Bergsagel, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 321 - Representative McCulloch moved HB 321 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 77

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Hayne, Jore, Kasten, Keenan, McCann, McGee, Mills, Molnar, Mood, Orr, Prouse, Sliter, Vick, Wagner, Wells.
Total 22

Voted Absentee: Taylor, Aye; Bergsagel, No.

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Excused: None.
Total 0

Absent or not voting: Rehbein.
Total 1

HB 375 - Representative Ryan moved HB 375 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 92

Noes: Adams, Boharski, Jore, McGee, Rehbein, Smith.
Total 6

Voted Absentee: Bergsagel, Taylor, Ayes.

Excused: None.
Total 0

Absent or not voting: Bergman, Mood.
Total 2

HB 382 - Representative Orr moved HB 382 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 92

Noes: Barnhart, Brainard, Cocchiarella, DeBruycker, Jore, Schmidt, Wagner, Wyatt.
Total 8

Voted Absentee: Bergsagel, Taylor, Ayes.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Soft moved that the Committee of the Whole report be adopted. Report adopted. (93-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 256 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Prouse, Quilici, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Barnhart, Cocchiarella, Denny, Ellingson, Harper, Heavy Runner, Hurdle, J. Johnson, McCann, Pavlovich, Peck, Raney, Ream, Simpson, Squires, Tuss, Whitehead.
Total 17

Voted Absentee: Bergsagel, Taylor, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, February 7, 1997. Motion carried.

House adjourned at 3:04 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 7, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Legislative Aide Rachel Wahl. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Grimes, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/7/97

Correctly printed for second reading: HB 308, HB 342, HB 344, HB 392, SB 50, SB 80, SB 59, SB 125.

Correctly engrossed for third reading: HB 31, HB 212, HB 225, HB 283, HB 285, HB 290, HB 314, HB 320, HB 321, HB 340, HB 347, HB 375, HB 382.

Delivered to the Governor for his approval at 10:00 a.m., February 7, 1997: HB 16, HB 19, HB 144.

APPROPRIATIONS (Zook, Chairman):

2/6/97

HB 6, introduced bill, be amended as follows:

1. Title, line 8.

Following: "PROGRAM; "

Insert: "AMENDING SECTION 1, CHAPTER 613, LAWS OF 1993, AND SECTION 1, CHAPTER 512, LAWS OF 1995;"

2. Page 1, line 16.

Strike: "the money"

Insert: "\$2 million"

3. Page 2, line 2.

Strike: "\$100,000"

Insert: "\$150,000"

4. Page 2, lines 4 and 5.

Strike: Strike lines 4 and 5 in their entirety.

5. Page 2, line 8.

Strike: "100,000"

Insert: "80,000"

6. Page 2, lines 12 and 13.

Strike: lines 12 and 13 in their entirety.

7. Page 2, line 22.

Strike: "99,959"

Insert: "50,000"

8. Page 2, lines 28 and 29.

Strike: lines 28 and 29 in their entirety.

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9. Page 3, lines 2 and 3.

Strike: lines 2 and 3 in their entirety.

10. Page 3, lines 8 and 9.

Strike: lines 8 and 9 in their entirety.

11. Page 3, lines 18 and 19.

Strike: lines 18 and 19 in their entirety.

12. Page 3, lines 22 through 29.

Strike: lines 22 through 29 in their entirety.

13. Page 4, lines 2 and 3.

Strike: lines 2 and 3 in their entirety.

14. Page 4, line 4.

Strike: "100,000"

Insert: "40,622"

15. Page 4, lines 6 and 7.

Strike: lines 6 and 7 in their entirety.

16. Page 4, line 8.

Strike: "100,000"

Insert: "41,443"

17. Page 4, following line 9.

Insert: "Eastern Agricultural Research Center (Alternative Irrigation Systems and Alternative Crops)	60,000
---	--------

Thompson Falls, City of No. 2 (Waterline Replacement)	100,000
--	---------

Park County (Hydrological Reconnaissance of the Paradise Valley)"	100,000
--	---------

18. Page 4, lines 10 through 30.

Strike: lines 10 through 30 in their entirety.

19. Page 5, line 1.

Strike: line 1 in its entirety.

20. Page 6, following line 8.

Insert: "Section 5. Section 1, Chapter 613, Laws of 1993, is amended to read:

(1) The appropriations for water development and renewable resource development programs, on page 2528, Laws of 1993, is amended to read:

CHINOOK DIVISION IRRIGATION ASSOCIATION

Irrigation Water Measuring Devices	34,247	<u>6,704</u>	65,783
------------------------------------	--------	--------------	--------

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CHINOOK DIVISION IRRIGATION ASSOCIATION

Repair of Lohman Dam ~~36,173~~ 26,020 63,827

(2) The appropriations for water development and renewable resource development programs, on page 2529, Laws of 1993, is amended to read:

~~FLATHEAD JOINT BOARD OF CONTROL~~

~~Fish Friendly Irrigation~~ ~~44,500~~ 54,500

Section 6. Section 1, Chapter 512, Laws of 1995, is amended to read:

(1) The appropriations for renewable resource programs, on page 2577, Laws of 1995, is amended to read:

~~Greenfields Irrigation District *~~ ~~50,000~~
~~(Main Canal Flow Control System)~~

Thompson Falls, City of ~~51,820~~ 45,260
(Water Engineering Study)

(2) The appropriations for renewable resource programs, on page 2578, is amended to read:

Manhattan, Town of ~~50,000~~ 33,000
(Manhattan Water System)"

Renumber: subsequent sections.

And, as amended, do pass. Report adopted.

HB 8, introduced bill, be amended as follows:

1. Page 1, lines 27 and 28.

Strike: lines 27 and 28 in their entirety.

2. Page 2, line 2.

Strike: "100,000"

Insert: "200,000"

3. Page 3, line 5.

Strike: "4.5% or the rate at which the state bonds are sold, whichever is lower,"

Insert: "0%"

4. Page 3, following line 8.

Insert: "(6) GROUP F: Notwithstanding the provisions of [section 5], the interest rate for the project in this group is 4.5% or the rate at which the state bonds are sold, whichever is lower, for up to 20 years.

Loan Amount

GLEN LAKE IRRIGATION DISTRICT

Repair Costich Dam \$195,405"

5. Page 4, line 21.

Strike: "922,150"

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Insert: "1,600,000"

6. Page 5, line 10.

Following: "bonds"

Insert: ", plus any additional principal amount on bonds as may be necessary, pursuant to the conditions in 85-1-605, as amended in House Bill No. 71, to fund emergency loans, as authorized and approved in accordance with 85-1-605(4),"

7. Page 5, line 12.

Strike: "\$25,838,014"

Insert: "\$24,976,536"

Strike: "\$21,639,008"

Insert: "\$22,505,942"

8. Page 5, line 13.

Strike: "\$1,850,096"

Insert: "\$200,000"

9. Page 5, line 14.

Strike: "\$2,348,910"

Insert: "\$2,270,594"

10. Page 5, line 16.

Following: "[sections 1 and 2]"

Insert: "and may be used as authorized in 85-1-605(4). Loans made under 85-1-605(4) must bear interest at the rate borne by the state bonds unless the legislature in a subsequent session provides for a lower interest rate, in which case the rate must be reduced to the rate specified by the legislature"

11. Page 6, line 28.

Following: "[sections 1"

Strike: "and 2"

Insert: "through 3"

12. Page 7, line 4.

Following: "[sections 1"

Strike: "and 2"

Insert: "through 3"

And, as amended, do pass. Report adopted.

HB 11, introduced bill, be amended as follows:

1. Page 2, line 8.

Strike: "441,443"

Insert: "500,000"

And, as amended, do pass. Report adopted.

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HB 18, introduced bill, be amended as follows:

1. Page 10, line 1.

Strike: "general"

Insert: "veteran's license plate fee account in the state special revenue"

And, as amended, do pass. Report adopted.

HB 21, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "ACCOUNTING" on line 5

Insert: "BUDGET"

Following: ";" on line 5

Strike: remainder of line 5 through ";" on line 6

2. Title, lines 7 and 8.

Following: "SECTION" on line 7

Strike: "17-1-102"

Insert: "17-7-102"

Following: "DATE" on line 7

Strike: remainder of line 7 through "DATE" on line 8

3. Page 1, line 12 through page 2, line 15.

Strike: sections 1 and 2 in their entirety

Insert: "Section 1. Section 17-7-102, MCA, is amended to read:

"17-7-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or more of the same services.

(2) "Agency" means each state office, department, division, board, commission, council, committee, institution, university unit, or other entity or instrumentality of the executive branch, office of the judicial branch, or office of the legislative branch of state government, except for purposes of capital projects administered by the department of administration, for which institutions are treated as one department and university units as one system.

(3) "Approved long-range building program budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency to increase the appropriation of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(4) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(5) "Base budget" means that level of funding authorized by the previous legislature, but excluding encumbrances under 17-1-102(5).

(6) "Budget amendment" means a legislative appropriation to increase spending authority for the special

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revenue fund, proprietary funds, or unrestricted subfund, contingent on total compliance with all budget amendment procedures.

(7) "Effectiveness measure" means a criterion for measuring the degree to which the objective sought is attained.

(8) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(9) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(10) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(11) "Present law base" means that additional level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

- (a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;
- (b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;
- (c) inflationary or deflationary adjustments; and
- (d) elimination of nonrecurring appropriations.

(12) "Priority listing" means a ranking of proposed expenditures in order of importance.

(13) "Program" means a combination of resources and activities designed to achieve an objective or objectives.

(14) "Program size" means the magnitude of a program, such as the size of clientele served or the volume of service in relation to the population or area.

(15) "Program size indicator" means a measure to indicate the magnitude of a program.

(16) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(17) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 358, introduced bill, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

2/6/97

HB 341, introduced bill, do pass. Report adopted.

HB 399, introduced bill, do pass. Report adopted.

HB 406, introduced bill, be amended as follows:

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1. Page 3, following line 15.

Insert: "(e) unless otherwise provided in a rental agreement, provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;"

Renumber: subsequent subsections

2. Page 3, line 29.

Strike: "(1)(f)"

Insert: "(1)(g)"

3. Page 4, line 2.

Strike: "subsection"

Insert: "subsections"

Following: "(1)(e)"

Insert: "and (1)(f) of this section"

4. Page 4, line 13.

Strike: "(1)(f)"

Insert: "(1)(g)"

And, as amended, do pass. Report adopted.

HJR 10, introduced bill, do pass. Report adopted.

SB 152, be concurred in. Report adopted.

EDUCATION (Ellis, Chairman):

2/5/97

HB 79, introduced bill, be amended as follows:

1. Title, lines 7 through 10.

Strike: "PROHIBITING" on line 7 through ";" on line 10

2. Page 2, lines 3 through 6.

Strike: subsection (4) in its entirety

And, as amended, do pass. Report adopted.

HB 282, introduced bill, do pass. Report adopted.

SB 21, be concurred in. Report adopted.

SB 126, be concurred in. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):

2/7/97

HB 360, introduced bill, be amended as follows:

1. Page 1, line 30.

Following: "equipment"

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Insert: "or prohibit or curtail normal landowner operations or lawful uses of water"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

2/6/97

HB 359, introduced bill, do pass. Report adopted.

HB 370, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/6/97

HB 251, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "REQUESTING THE JURY"

2. Page 1, lines 17 and 18.

Strike: "and" on line 17 through "court" on line 18

3. Page 1, line 19.

Following: "against"

Strike: "the"

Insert: "a"

Strike: "requesting a jury"

4. Page 1, line 20.

Strike: "the"

Insert: "a"

5. Page 1, line 21.

Strike: "and" through "by the court"

6. Page 1, line 22.

Following: "harassment."

Insert: "The court shall instruct the jury regarding the provisions of this subsection."

And, as amended, do pass. Report adopted.

HB 264, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PLACED IN FOSTER CARE"

2. Page 2, lines 5 and 6.

Strike: "is placed" on line 5 through "because the youth" on line 6

And, as amended, do pass. Report adopted.

HB 272, introduced bill, be amended as follows:

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1. Title, line 4.

Strike: "MAKING PERMANENT"

Insert: "EXTENDING"

Following: "SENTENCING"

Insert: "FOR 2 YEARS"

2. Title, line 13.

Following: the first "MCA"

Insert: ", AND SECTION 5, CHAPTER 306, LAWS OF 1995"

3. Title, lines 13 and 14.

Strike: ", AND SECTION" on line 13 through "1995" on line 14

Following: "DATE" on line 14

Insert: "AND A TERMINATION DATE"

4. Page 5, line 25.

Insert: "Section 4. Section 5, Chapter 306, Laws of 1995, is amended to read:

"Section 5. Termination. [This act] terminates May 31, ~~1997~~ 1999."

Renumber: subsequent sections

5. Page 5, lines 26 and 27.

Strike: "and" on line 26 through "are" on line 27

Insert: "is"

6. Page 6, line 4.

Insert: "NEW SECTION. Section 8. Termination. [Sections 1 through 3] terminate May 31, 1999."

And, as amended, do pass. Report adopted.

HB 343, introduced bill, be amended as follows:

1. Title, line 5.

Following: "VIOLENCE;"

Strike: "ELIMINATING FILING FEES FOR ORDERS OF PROTECTION;"

Following: "CERTAIN"

Insert: "FILING"

2. Title, lines 5 and 6.

Following: second "FEES" on line 5

Strike: remainder of line 5 through "FEES" on line 6

3. Title, line 15.

Strike: "25-31-112, 40-15-201,"

4. Page 1, line 24.

Following: "marriage"

Strike: ", for a temporary order of protection, or for an order of protection"

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5. Page 2, line 29.

Strike: "11"

Insert: "9"

6. Page 3, lines 21 and 22.

Strike: subsection (9) in its entirety

7. Page 3, line 24 through page 4, line 7.

Strike: section 2 in its entirety

Renumber: subsequent sections

8. Page 4, line 13 through page 5, line 24.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 11, lines 1 and 3.

Strike: "10"

Insert: "8"

10. Page 11, lines 4 and 5.

Strike: "11"

Insert: "9"

11. Page 11, line 12.

Strike: "3"

Insert: "2"

And, as amended, do pass. Report adopted.

SB 103, be concurred in. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):

2/7/97

HB 248, introduced bill, be amended as follows:

1. Title, line 4.

Following: the second "ACT"

Insert: "CLARIFYING TERMS AND CONDITIONS OF BOARD OF INVESTMENTS LOANS TO STATE AGENCIES;"

2. Title line 6

Following: "AN"

Insert: "IMMEDIATE"

3. Page 1, following line 14.

Insert: "NEW SECTION. Section 2. Loans to state agencies. An agency responsible for the procurement and provision of vehicles and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and

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to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(1) the term of the indebtedness does not exceed the useful life of the items being financed; and

(2) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.

NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 17, chapter 5, and the provisions of Title 17, chapter 5, apply to [section 2]."

Renumber: subsequent section

4. Page 1, line 16.

Strike: "July 1, 1997"

Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

HB 253, introduced bill, be amended as follows:

1. Title, line 5.

Following: "SERVICES"

Insert: "RELATED TO CHILD SUPPORT THAT ARE"

Following: ";

Insert: "PROVIDING FOR THE COLLECTION OF THE FEES FROM THE PERSON SERVED OR UPON WHOM SERVICE IS ATTEMPTED;"

2. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-32-2141"

Insert: "AND 40-5-210"

3. Page 2, line 7.

Following: "services"

Insert: "related to child support that are"

Following: " "

Insert: "An agency paying the fees provided for in this subsection may include the amount of the fees in the handling fees pursuant to 40-5-210. The child support enforcement division of the department of public health and human services may immediately collect the fee from the party upon whom service is attempted or perfected by any method available to it for the collection of judgments or other adjudicated debts."

4. Page 2, following line 7.

Insert: "Section 2. Section 40-5-210, "MCA, is amended to read:

"40-5-210. Standardized fee schedule -- rules. (1) The department may charge an application fee to each person applying for services under 40-5-203, except that the fee may not be charged to persons who receive continuing services under 40-5-203(3). The application fee may be:

(a) a flat dollar amount; or

(b) an amount based on a sliding fee schedule that is based on the applicant's income level.

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(2) If paternity is established or presumed under 40-5-234 for the alleged father, the fees for paternity blood testing may be recovered from the parent, whether the alleged father or the mother, denying paternity of the alleged father. The total amount of the paternity blood testing fee may not exceed the actual costs of the paternity blood tests.

(3) The department may charge a handling fee for each payment of support collected on behalf of any obligee who is not a recipient of public assistance. The department may withhold the fee from the support payment before distribution to the obligee.

(4) The department may charge an obligor a late payment fee for each late payment of support collected on behalf of any obligee.

(5) The department may establish a fee schedule in order to recover costs and expenses in excess of the application, handling, and late fees. The fees must be commensurate with costs or an average of the expenditures related to specific or routine activities.

(a) The department shall develop procedures for determining whether it is appropriate for either the obligor or the obligee to be responsible for payment of the fee. In developing the procedures, the department shall consider federal regulations promulgated under Title IV-D of the Social Security Act.

(b) In an action to establish paternity or to establish or enforce a child support obligation, whether in district court or by administrative process, the department must be awarded costs in the amount established in the fee schedule as part of any judgment, decree, or order whenever the department:

- (i) is a prevailing party in the action; or
- (ii) is not a party but incurs expenses and costs related to the action.

(6) The department may collect the fees awarded under this section by one of the following means:

(a) if the fee is owed by an obligor, the fee may be:

- (i) collected through any remedy available to the department for the collection of child support arrearages;

or

- (ii) deducted from any payments made by the obligor before the payment is distributed to the obligee.

Credit for the payment must be reduced by the amount of the deduction for the fee. The deduction for fees may not reduce any current support due to the obligee. The deduction for a late payment fee may not reduce any current or past-due support due to the obligee.

(b) if the fee is owed by the obligee, the fee may be collected separately through any remedy available to the department for the collection of child support or the department may withhold the fee amount out of any payment collected on behalf of the obligee. The obligor must receive full credit for the payment as if the withholding of fees did not occur.

(7) The department, upon a showing of necessity, may waive or defer any fee assessed under this section.

(8) The department may adopt rules necessary to implement fee schedules under this section.

(9) The department may collect fees allowed or awarded under other statutes or court order by any means allowed in subsection (6).

~~(9)~~(10) The fees and costs charged and collected under this section must be paid monthly into the state treasury to the credit of the child support enforcement division special revenue fund and must be accompanied by a detailed statement of the amounts collected. ""

And, as amended, do pass. Report adopted.

HB 316, introduced bill, do pass. Report adopted.

HB 317, introduced bill, do pass. Report adopted.

HB 318, introduced bill, do pass. Report adopted.

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HB 322, introduced bill, do pass. Report adopted.

HB 351, introduced bill, do pass. Report adopted.

SB 77, be concurred in. Report adopted.

SB 121, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman):

2/6/97

HB 311, introduced bill, do pass. Report adopted.

SB 100, be concurred in. Report adopted.

TRANSPORTATION (Anderson, Chairman):

2/6/97

SB 9, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/6/97

SB 19, introduced by Gage

SB 37, introduced by Lynch

SB 85, introduced by Jergeson

SB 182, introduced by Hertel

SB 192, introduced by Keating

SB 205, introduced by McNutt

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/6/97

HB 72, introduced by Quilici

SB 75, introduced by Sprague, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/6/97 to the House with the following vote:

YEAS - 25

NAYS - 25

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 6, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 33 sponsored by Representative Kasten on February 6, 1997.

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Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

- HB 479**, introduced by Tuss, Tash, McCarthy, Mills, Sands, Squires, Curtiss, Schmidt, referred to Committee on Judiciary.
- HB 480**, introduced by Grimes, Foster, Masolo, Tash, Jenkins, Beaudry, Ohs, Grosfield, Swysgood, referred to Committee on Taxation.
- HB 481**, introduced by Schmidt, Mood, Quilici, Grady, referred to Committee on Transportation.
- HB 482**, introduced by Sands, McCann, Brooke, Pease, Cocchiarella, Kitzenberg, Heavy Runner, Hagener, Cole, Whitehead, Bohlinger, Mahlum, referred to Committee on Fish, Wildlife, & Parks.
- HB 483**, introduced by Mood, Aklestad, Beaudry, Walters, Knox, Holland, Devaney, Denny, Kitzenberg, Brooke, Ohs, Ellis, Stovall, Squires, Hibbard, Schmidt, referred to Committee on State Administration.
- HB 484**, introduced by Clark, Brainard, Keating, Wells, Orr, Baer, Boharski, Ahner, Emerson, Molnar, Prouse, Jore, Mood, Curtiss, Adams, DeBruycker, Barnett, Bookout-Reinicke, Wagner, Bitney, Sliter, Grinde, Thomas, referred to Committee on Judiciary.
- HB 485**, introduced by Cobb, referred to Committee on Human Services.
- HB 486**, introduced by Tuss, Beaudry, Rose, Schmidt, Mesaros, Feland, Grady, Keating, Raney, referred to Committee on Natural Resources.
- HB 487**, introduced by Whitehead, referred to Committee on Education.
- HB 488**, introduced by Ream, Bishop, Molnar, Kottel, Stovall, Brainard, Crippen, Grosfield, Halligan, referred to Committee on Business & Labor.
- HB 489**, introduced by Story, referred to Committee on Agriculture.
- HB 490**, introduced by Whitehead, referred to Committee on Education.
- HB 491**, introduced by Rehbein, Hertel, Kitzenberg, Rose, J. Johnson, Cocchiarella, McCulloch, referred to Committee on Education.
- HB 492**, introduced by Harper, Grimes, Eck, Bartlett, Soft, Ewer, referred to Committee on Business & Labor.
- HB 493**, introduced by Kasten, Thomas, Mercer, Harp, Crippen, Clark, Cobb, Brainard, Aklestad, referred to Committee on Appropriations.
- HB 494**, introduced by Ellingson, Harper, Halligan, Eck, Raney, Kottel, Brooke, Sands, Doherty, Ewer, Christiaens, referred to Committee on Natural Resources.
- HB 495**, introduced by Mills, Bitney, Sliter, Barnett, Devaney, Hayne, Marshall, Hagener, Denny, Prouse, Ahner, Rose, Wagner, Bohlinger, Grinde, Soft, Adams, Gage, Quilici, Pavlovich, Knox, Crippen, Mood, Mohl, Beck, Stovall, Tuss, Simpkins, Schmidt, Beaudry, Krenzler, Keating, McNutt, referred to Committee on Judiciary.
- HJR 19**, introduced by Mercer, Feland, Menahan, Halligan, referred to Committee on Judiciary.

The following Senate bills were introduced, read first time, and referred to committees:

- SB 75**, introduced by Sprague, referred to Committee on State Administration.
- SB 19**, introduced by Gage, (by request of the Joint Interim Subcommittee on State Management Systems) referred to Committee on Appropriations.
- SB 37**, introduced by Lynch, referred to Committee on Select Corrections.

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SB 85, introduced by Jergeson, (by request of the Department of Justice) referred to Committee on Transportation.
SB 182, introduced by Hertel, Masolo, Rose, Rehbein, Grady, DeBruycker, Crismore, Sliter, Barnett, Simon, Benedict, Devlin, referred to Committee on Transportation.
SB 192, introduced by Keating, referred to Committee on Business & Labor.
SB 205, introduced by McNutt, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Mood in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 44 - Representative Devaney moved HB 44 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Cocchiarella, Dowell, Hagener, Heavy Runner, Hurdle, Peck, Quilici, Simpkins, Tropila, Tuss, Whitehead.
Total 11

Voted Absentee: Grimes, Aye.

Excused: None.
Total 0

Absent or not voting: Grady, Molnar, Ryan.
Total 3

HB 68 - Representative McGee moved HB 68 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Quilici, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 67

Noes: Barnhart, Boharski, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper,

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Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, McCulloch, Menahan, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 33

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 27 - Representative Simon moved HB 27 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Grimes.

Total 1

Voted Absentee: Grimes, No.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

HB 289 - Representative Pavlovich moved HB 289 do pass.

Representative Pavlovich moved HB 289, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 28.

Strike: "on a body or bodies of water specified by the department"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan,

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Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Simpkins.

Total 1

Excused: Grimes.

Total 1

Absent or not voting: Barnhart, Molnar.

Total 2

Motion that HB 289 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Grimes.

Total 1

Voted Absentee: Grimes, No.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

HB 297 - Representative McCann moved HB 297 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Feland, Galvin, Gillan, Grinde, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Kitzenberg, Kottel, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Stovall, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

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Noes: Beaudry, Bergman, Boharski, DeBruycker, Ellis, Ewer, Grady, Grimes, Hagener, H.S. Hanson, Harper, Heavy Runner, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, Masolo, Ohs, Prouse, Rehbein, Soft, Story, Swanson, Trexler, Whitehead.

Total 30

Voted Absentee: Grimes, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 339 - Representative Carey moved HB 339 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Cobb, Cocchiarella, DeBruycker, Jore, Kasten, Keenan, Orr, Ryan, Wagner.

Total 10

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 342 - Representative Barnhart moved HB 342 do pass. Motion failed as follows:

Ayes: Barnhart, Carey, Cocchiarella, Ellingson, Gillan, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kasten, Kitzenberg, Kottel, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Whitehead, Wiseman, Wyatt.

Total 28

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pease, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Tropila, Tuss,

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Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.
Total 71

Voted Absentee: Grimes, Aye.

Excused: None.
Total 0

Absent or not voting: Trexler.
Total 1

HB 392 - Representative Bitney moved HB 392 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 76

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Denny, Devaney, Gillan, R. Johnson, Jore, Kasten, Kottel, Krenzler, Masolo, Mills, Molnar, Orr, Prouse, Quilici, Vick, Wagner, Wells.
Total 24

Voted Absentee: Grimes, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved that the Committee of the Whole report be adopted. Report adopted. (91-6)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 314 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner,

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Hibbard, Holland, Hurdle, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Boharski, Cocchiarella, Ellingson, Grinde, J. Johnson, Jore, Kasten, Keenan, Masolo, Peck, Ream, Story, Taylor, Vick.

Total 14

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: Barnhart, Simpkins, Smith.

Total 3

HB 320 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker, Pease.

Total 2

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 340 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood,

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Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel.

Total 1

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: Adams, Devaney, Tash, Wiseman.

Total 4

HB 347 passed as follows:

Ayes: Ahner, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Curtiss, Denny, Jore, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Story, Taylor, Vick, Wagner.

Total 20

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 31 passed as follows:

Ayes: Adams, Ahner, Bankhead, Barnhart, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt, Mr. Speaker.

Total 75

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Noes: Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Feland, Hayne, Holland, Jore, Kasten, Keenan, Masolo, Prouse, Rehbein, Tash, Vick, Wagner, Wiseman, Zook.
Total 24

Voted Absentee: Grimes, Aye.

Excused: None.
Total 0

Absent or not voting: Squires.
Total 1

HB 225 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Heavy Runner.
Total 1

Voted Absentee: Grimes, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 283 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook.
Total 80

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Feland, Hayne, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Vick, Wagner, Wells.

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Total 19

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 285 passed as follows:

Ayes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Boharski, DeBruycker, Denny, Feland, Grinde, Hagener, Heavy Runner, R. Johnson, Jore, Kasten, Krenzler, Masolo, McGee, Molnar, Mood, Orr, Ream, Rose, Sands, Tuss, Vick, Wagner, Wells.

Total 28

Voted Absentee: Grimes, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 321 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Denny, Feland, Grimes, Grinde, Hayne, Jore, Kasten, Keenan, McGee, Mills, Molnar, Ohs, Orr, Prouse, Rehbein, Sliter, Taylor, Tuss, Vick, Wagner, Wells.

Total 27

Voted Absentee: Grimes, No.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 375 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Adams, Boharski, Jore, McGee, Prouse, Rehbein.
Total 6

Voted Absentee: Grimes, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 382 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 94

Noes: Barnhart, Brainard, DeBruycker, Galvin, McGee, Wyatt.
Total 6

Voted Absentee: Grimes, Aye.

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 327: Representative Molnar.

The following sponsors were added to HB 373: Representative Sands, Representative McCulloch, Senator Mahlum, Representative Hagener, Representative Tropila, Representative Squires, Representative Ellingson.

The following sponsors were added to HB 440: Representative Marshall, Representative Kitzenberg, Representative Knox, Representative Simpkins, Representative Curtiss, Representative Ellis, Senator Estrada, Senator Mahlum, Senator Burnett, Senator Keating, Senator Devlin, Senator Emerson.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 8, 1997. Motion carried.

House adjourned at 2:47 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRTIETH LEGISLATIVE DAY**

Helena, Montana
February 8, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Holland. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Adams, Bitney, Ellis, Gillan, Grady, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the twenty-fifth, twenty-sixth and twenty-seventh legislative days, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/8/97

Correctly printed for second reading: HB 6, HB 8, HB 11, HB 18, HB 21, HB 79, HB 248, HB 251, HB 253, HB 264, HB 272, HB 282, HB 311, HB 316, HB 317, HB 318, HB 322, HB 341, HB 343, HB 351, HB 358, HB 359, HB 360, HB 370, HB 399, HB 406, HJR 10, SB 9, SB 21, SB 77, SB 100, SB 103, SB 121, SB 126, SB 152, SB 36.

Correctly engrossed for third reading: HB 27, HB 44, HB 68, HB 297, HB 339, HB 392, HB 389.

BUSINESS & LABOR (Simon, Chairman): 2/7/97

HB 240, introduced bill, be amended as follows:

1. Page 1, line 27.

Following: "of"

Insert: "building facilities, infrastructure, or"

2. Page 3, line 21.

Following: "(ii)"

Strike: "an"

Insert: "a special or"

3. Page 4, line 7.

Strike: "or"

4. Page 4.

Following: line 7

Insert: "(d) fees, charges, and payments established pursuant to the revolving fund programs created by and administered pursuant to Title 75, chapter 5, part 11, and Title 75, chapter 6, part 2; or"

Renumber: subsequent subsection

5. Page 4, following line 8.

Insert: "(i) a debt service or bond reserve fund;"

Renumber: subsequent subsections

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6. Page 4, line 16.

Strike: "90"

Insert: "120"

And, as amended, do pass. Report adopted.

HB 388, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "AND"

2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3, line 21.

Strike: "petroleum refineries,"

4. Page 3, lines 24 through 27.

Following: "power plants," on line 24

Insert: "electrical supply stations subject to the national electrical safety code,"

Strike: ";" on line 24 through "(ii)" on line 27

5. Page 5, lines 23 and 24.

Following: ", plus" on line 23

Strike: remainder of line 23 and line 24 in its entirety

Insert: "indirect costs charged on the same basis as other local government programs not paying administrative charges as direct charges. If indirect costs are waived for any local government program, they must also be waived for the program established in this section. Indirect charges are limited to the charges that are allowed under federal cost accounting principles that are applicable to a local government."

6. Page 7, line 17.

Following: "occupation"

Insert: "or be certified by the international council of building officials"

7. Page 7, line 30.

Insert: "NEW SECTION. Section 7. Effective date. [This act] is effective July 1, 1997."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

2/7/97

HB 134, introduced bill, be amended as follows:

1. Page 17, line 11.

Strike: "180 days"

Insert: "18 months"

And, as amended, do pass. Report adopted.

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HB 376, introduced bill, be amended as follows:

1. Title, line 6.

Following: "AREA;"

Insert: "EXCEPTING THE BOARD OF REGENTS;"

2. Page 1, line 16.

Following: "agency"

Insert: "other than the board of regents"

And, as amended, do pass. Report adopted.

HJR 12, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/7/97

SB 26, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/7/97

SB 51, introduced by Hertel

SB 66, introduced by Benedict

SB 148, introduced by Bishop

SB 168, introduced by Doherty

SB 180, introduced by Doherty

SB 184, introduced by Foster

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer

February 7, 1997

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 48 sponsored by Representative Quilici on February 7, 1997.

Sincerely,

MARC RACICOT

Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

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HB 496, introduced by Feland, referred to Committee on State Administration.
HB 497, introduced by Harper, Doherty, referred to Committee on Taxation.
HB 498, introduced by Brainard, Simpkins, Clark, Mercer, Thomas, Wells, Denny, Story, referred to Committee on Taxation.
HB 499, introduced by Bohlinger, referred to Committee on State Administration.
HB 500, introduced by Keenan, Raney, Sprague, Tash, Stang, Harp, Wells, Brainard, Prouse, Curtiss, Adams, Bitney, McNutt, DePratu, DeBruycker, Swysgood, Holland, Cole, Sliter, Barnett, Mohl, Feland, Burnett, Jore, Keating, Smith, Bookout-Reinicke, Devlin, Gage, McCann, Denny, M. Hanson, Ahner, Mills, Grinde, Clark, referred to Committee on Business & Labor.
HB 501, introduced by Wagner, Bergman, Molnar, Keenan, Clark, Orr, Adams, Harp, DePratu, referred to Committee on State Administration.
HB 502, introduced by Soft, Waterman, referred to Committee on Human Services.
HB 503, introduced by Carey, referred to Committee on Taxation.
HB 504, introduced by Harper, Doherty, Franklin, Halligan, Christiaens, Hagener, Wyatt, Galvin, Ryan, Wilson, Jergeson, Swanson, Schmidt, Whitehead.
HB 505, introduced by Beaudry, Pavlovich, Harrington, Wiseman, Lynch, Quilici, Squires, Tropila, Galvin, Menahan, referred to Committee on State Administration.
HB 506, introduced by Story, referred to Committee on Natural Resources.
HB 507, introduced by Story, Grosfield, referred to Committee on Natural Resources.
HB 508, introduced by Devaney, Hertel, referred to Committee on Local Government.
HJR 20, introduced by Bookout-Reinicke, Ream, Brooke, Ellingson, Stang, Harper, Ewer, Carey, Van Valkenburg, Sands, Raney, Eck, Swanson, Halligan, referred to Committee on Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

SB 51, introduced by Hertel, referred to Committee on Local Government.
SB 66, introduced by Benedict, (by request of the Department of Administration) referred to Committee on Business & Labor.
SB 148, introduced by Bishop, referred to Committee on Business & Labor.
SB 168, introduced by Doherty, Menahan, Halligan, Crippen, referred to Committee on Judiciary.
SB 180, introduced by Doherty, Tropila, referred to Committee on State Administration.
SB 184, introduced by Foster, referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 308 - Representative Pavlovich moved HB 308 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall,

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Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Arnott, Bergsagel, Brainard, Clark, Curtiss, Kasten, Mood, Orr, Prouse, Taylor, Wagner, Wiseman.
Total 13

Voted Absentee: Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Quilici, Smith, Stovall, Whitehead, Ayes; Adams, Prouse, Noes.

Excused: Grady.
Total 1

Absent or not voting: None.
Total 0

HB 344 - Representative Peck moved HB 344 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes.

Excused: Grady.
Total 1

Absent or not voting: Wiseman.
Total 1

HB 282 - Representative Anderson moved HB 282 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream,

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Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Carey, DeBruycker, Ellingson, Hagener, Hurdle, Kasten, Krenzler, McCulloch, Pease, Rehbein.

Total 10

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes; Krenzler, No.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

HB 311 - Representative Orr moved HB 311 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Hagener, Harrington, Heavy Runner, Hurdle, Pavlovich, Prouse, Schmidt.

Total 7

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Quilici, Smith, Stovall, Whitehead, Ayes; Prouse, No.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

HB 322 - Representative McCulloch moved HB 322 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose,

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Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Bergsagel, Boharski, DeBruycker, Grimes, Grinde, Hayne, Jore, Kasten, Rehbein, Simon, Sliter, Vick, Wagner, Wells, Wyatt.

Total 17

Voted Absentee: Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes; Adams, No.

Excused: Grady.

Total 1

Absent or not voting: Barnhart.

Total 1

HB 341 - Representative Mercer moved HB 341 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook.

Total 88

Noes: Bergsagel, Cocchiarella, Galvin, Hurdle, Kottel, Ream, Simpson, Squires, Whitehead, Mr. Speaker.

Total 10

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Ayes; Kottel, Whitehead, Noes.

Excused: Grady.

Total 1

Absent or not voting: Harrington.

Total 1

HB 351 - Representative Bookout-Reinicke moved HB 351 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Swanson, Tash, Tropila, Walters, Whitehead, Wiseman, Wyatt, Mr. Speaker.

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Total 68

Noes: Adams, Arnott, Barnhart, Beaudry, Bergsagel, Boharski, Brainard, DeBruycker, Dowell, Feland, Grinde, Jore, Kasten, Keenan, Knox, Lawson, Menahan, Orr, Rehbein, Simpkins, Sliter, Story, Stovall, Taylor, Trexler, Tuss, Vick, Wagner, Wells, Zook.

Total 30

Voted Absentee: Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Whitehead, Ayes; Adams, Stovall, Noes.

Excused: Grady.

Total 1

Absent or not voting: Anderson.

Total 1

HB 358 - Representative Keenan moved HB 358 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes.

Excused: Grady.

Total 1

Absent or not voting: Anderson.

Total 1

HB 359 - Representative Kasten moved HB 359 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt,

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Total 95

Noes: None.
Total 0

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes.

Excused: Grady.
Total 1

Absent or not voting: Arnott, Denny, Marshall, Swanson.
Total 4

HB 370 - Representative Tuss moved HB 370 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Adams.
Total 1

Voted Absentee: Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes; Adams, No.

Excused: Bitney, Grady.
Total 2

Absent or not voting: Tropila.
Total 1

HB 399 - Representative Tuss moved HB 399 do pass. Motion carried as follows:

Ayes: Ahner, Bookout, Carey, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCann, McCulloch, Mills, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt.
Total 50

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Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Feland, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, Menahan, Molnar, Mood, Ohs, Orr, Peck, Rehbein, Rose, Simpkins, Soft, Story, Tash, Taylor, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.
Total 47

Voted Absentee: Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes; Adams, No.

Excused: Bitney, Grady.
Total 2

Absent or not voting: Barnhart.
Total 1

HJR 10 - Representative Hibbard moved HJR 10 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Adams, Arnott, Bergsagel, Brainard, Jore, Keenan, Menahan, Molnar, Rehbein, Ryan, Vick, Wagner.
Total 12

Voted Absentee: Bitney, Ellis, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes; Adams, No.

Excused: Gillan, Grady.
Total 2

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (82-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 212 passed as follows:

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Ayes: Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Grinde, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Knox, Kottel, Marshall, McCann, McCulloch, Menahan, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wyatt, Mr. Speaker.

Total 58

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Feland, Hagener, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Krenzler, Lawson, Masolo, McGee, Mood, Orr, Prouse, Rehbein, Simpkins, Taylor, Vick, Wells, Wiseman, Zook.

Total 38

Voted Absentee: Bitney, Gillan, Kottel, McCann, Quilici, Smith, Stovall, Whitehead, Ayes; Adams, Krenzler, Prouse, Noes.

Excused: Ellis, Grady, Kitzenberg, Mills.

Total 4

Absent or not voting: None.

Total 0

HB 290 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Ohs, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Bergsagel, Boharski, Devaney, Jore, Kasten, Keenan, Mood, Orr, Rehbein, Story, Vick, Wagner.

Total 14

Voted Absentee: Bitney, Gillan, Kottel, Krenzler, McCann, Prouse, Smith, Stovall, Whitehead, Ayes; Adams, No.

Excused: Ellis, Grady, Kitzenberg, Mills, Quilici.

Total 5

Absent or not voting: None.

Total 0

HB 27 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Total 97

Noes: Grimes, Pavlovich.

Total 2

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

HB 44 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Heavy Runner, Hurdle, Jore, Peck, Simpkins, Tropila, Tuss, Whitehead.

Total 8

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Ayes; Whitehead, No.

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

HB 68 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger,

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Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Boharski, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, McCulloch, Menahan, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 32

Voted Absentee: Adams, Bitney, Ellis, Grady, Kitzenberg, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Ayes; Gillan, Kottel, Whitehead, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 297 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnhart, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Feland, Galvin, Gillan, Grinde, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, Kitzenberg, Kottel, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Squires, Stovall, Tash, Taylor, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 62

Noes: Bankhead, Barnett, Beaudry, Bergman, Boharski, DeBruycker, Devaney, Ellis, Ewer, Grady, Grimes, Hagener, H.S. Hanson, Harper, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Krenzler, Lawson, Masolo, Pavlovich, Prouse, Quilici, Rehbein, Sliter, Soft, Story, Swanson, Trexler, Tropila, Tuss, Vick, Wagner, Zook.

Total 38

Voted Absentee: Adams, Bitney, Gillan, Kitzenberg, Kottel, McCann, Mills, Smith, Stovall, Whitehead, Ayes; Ellis, Grady, Krenzler, Prouse, Quilici, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 339 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Total 88

Noes: Cobb, DeBruycker, Jore, Kasten, Keenan, Menahan, Orr, Rehbein, Ryan, Wagner.
Total 10

Voted Absentee: Adams, Bitney, Ellis, Gillan, Kitzenberg, Kottel, Krenzler, McCann, Mills, Prouse, Quilici, Smith, Stovall, Whitehead, Ayes.

Excused: Grady.
Total 1

Absent or not voting: H.S. Hanson.
Total 1

HB 392 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Keenan, Knox, Lawson, McCann, McCulloch, McGee, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 73

Noes: Adams, Arnott, Barnhart, Bergsagel, Brainard, Cobb, DeBruycker, Denny, Devaney, R. Johnson, Jore, Kasten, Kottel, Krenzler, Masolo, Mills, Molnar, Mood, Orr, Prouse, Vick, Wagner, Wells.
Total 23

Voted Absentee: Bitney, Ellis, Gillan, McCann, Quilici, Smith, Stovall, Whitehead, Ayes; Adams, Kottel, Krenzler, Mills, Prouse, Noes.

Excused: Grady, Kitzenberg.
Total 2

Absent or not voting: Marshall, Squires.
Total 2

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 394: Representative Dowell, Representative Heavy Runner, Representative Mood, Representative Adams, Representative Schmidt, Senator Wilson.

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ANNOUNCEMENTS

Mr. Speaker introduced Mike Corr from Missoula as honorary page for the day.

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, February 10, 1997. Motion carried.

House adjourned at 9:10 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 10, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ryan. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the twenty-eighth legislative day, find the same to be correct.

Hayne, Chairman

Mr. Speaker introduced this week's pages:

Molly Billstein, Missoula
Kris Gross, Sidney
Carissa Heavy Runner, Browning
Kelli Longin, Polson
Joy Montalban, Billings
Mariah Persinger, Cascade
Holly Smith, Deer Lodge
Matt Young, Libby

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/10/97

Correctly printed for second reading: HB 134, HB 240, HB 376, HB 388, HJR 12, SB 26.

Correctly engrossed for third reading: HB 282, HB 322, HB 341, HB 344, HB 351, HB 358, HB 359, HB 399,
HB 308, HB 311, HB 370, HJR 10.

HUMAN SERVICES (Grimes, Chairman):

2/10/97

HB 149, introduced bill, be amended as follows:

1. Page 1, line 29.

Strike: "health care"

Following: "alliance"

Insert: "composed of health care providers"

2. Page 2, line 1.

Strike: "to"

Insert: "through"

Strike: "institutions"

Insert: "facilities"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

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Senate bills passed and transmitted to the House for concurrence:

2/8/97

SB 48, introduced by Sprague
SB 164, introduced by Sprague
SB 191, introduced by Hargrove
SB 213, introduced by Mahlum

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 10, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 16 sponsored by Representative Pavlovich on February 10, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 509, introduced by Arnott, Wiseman, Carey, Curtiss, Ahner, McGee, Ryan, Simon, R. Johnson, Ohs, Beaudry, Devaney, Tash, Mood, Kasten, Knox, Grinde, DeBruycker, Mercer, Bergman, Anderson, Tropila, Ream, Menahan, referred to Committee on Transportation.
HB 510, introduced by Brainard, referred to Committee on State Administration.
HB 511, introduced by Galvin, McCann, Lynch, referred to Committee on State Administration.
HB 512, introduced by Harper, Van Valkenburg.
HB 513, introduced by Ryan, Ahner, referred to Committee on Business & Labor.
HB 514, introduced by Ahner, Grimes, Waterman, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 48, introduced by Sprague, (by request of the Juvenile Justice and Mental Health Study Commission) referred to Committee on Select Corrections.
SB 164, introduced by Sprague, referred to Committee on Business & Labor.
SB 191, introduced by Hargrove, Ohs, Stang, Tash, Ewer, Hibbard, Swysgood, Eck, Vick, referred to Committee on Taxation.
SB 213, introduced by Mahlum, Pavlovich, Quilici, referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative McGee in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 360 - Representative Menahan moved HB 360 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wagner.

Total 1

HB 251 - Representative Holland moved HB 251 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McCann.

Total 1

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HB 11 - Representative Bergsagel moved consideration of HB 11 be placed at the top of the second reading board. Motion carried.

Representative McCann moved HB 11 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Adams, Arnott, Grinde, Jore, Prouse, Smith, Wells, Wyatt.

Total 8

Excused: None.

Total 0

Absent or not voting: Boharski, Bookout.

Total 2

HB 6 - Representative Bergsagel moved HB 6 do pass.

Representative DeBruycker moved HB 6, second reading copy, be amended (amendment #1). Motion failed as follows: (36-63)

Representative Grinde moved consideration of HB 6 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 8 - Representative Grinde moved consideration of HB 8 be placed at the bottom of the second reading board. Motion carried.

HB 18 - Representative J. Johnson moved HB 18 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

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Total 0

Excused: None.

Total 0

Absent or not voting: H.S. Hanson, Hibbard.

Total 2

HB 21 - Representative Cobb moved HB 21 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

HB 79 - Representative Simpkins moved HB 79 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Barnhart, Beaudry, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 39

Excused: None.

Total 0

Absent or not voting: Masolo.

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Total 1

HB 248 - Representative Harper moved HB 248 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 73

Noes: Adams, Arnott, Bergsagel, Boharski, Bookout, Brainard, Curtiss, DeBruycker, Denny, Feland, Grinde, Holland, Jore, Kasten, Keenan, Orr, Peck, Rehbein, Sliter, Smith, Taylor, Vick, Wagner, Walters, Wells.

Total 25

Excused: None.

Total 0

Absent or not voting: Molnar, Mr. Speaker.

Total 2

HB 317 - Representative Gillan moved HB 317 do pass. Motion carried as follows:

Ayes: Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt.

Total 71

Noes: Adams, Ahner, Anderson, Arnott, Bergsagel, Bitney, Boharski, Brainard, Cobb, Curtiss, Ellis, Feland, Grady, M. Hanson, Hurdle, Jore, Keenan, Masolo, Molnar, Mood, Orr, Prouse, Rehbein, Taylor, Vick, Wagner, Wiseman, Zook.

Total 28

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 318 - Representative Gillan moved HB 318 do pass. Motion carried as follows:

Ayes: Beaudry, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCulloch, McGee, Menahan, Mood, Ohs,

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Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Zook.

Total 61

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Denny, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Keenan, Lawson, Marshall, McCann, Mills, Molnar, Orr, Prouse, Simon, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wyatt.

Total 38

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 406 - Representative Bankhead moved HB 406 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Krenzler, Lawson, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Rehbein, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Arnott, Barnhart, Bergsagel, Brainard, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Marshall, McCulloch, McGee, Menahan, Pavlovich, Pease, Raney, Ream, Rose, Ryan, Sands, Schmidt, Squires, Swanson, Whitehead.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 316 - Representative Krenzler moved HB 316 do pass. Motion carried as follows:

Ayes: Arnott, Beaudry, Bergsagel, Bohlinger, Bookout, Carey, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Krenzler, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman.

Total 58

Noes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Brainard, Clark, Cobb, Denny, Ellis, Feland, Grady, Grimes, Grinde, Heavy Runner, Holland, Jore, Kasten, Keenan, Knox, Kottel, Lawson, Masolo, Molnar, Ohs, Orr, Rehbein, Simpkins, Sliter, Taylor, Vick, Wagner, Walters, Wells, Wyatt,

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Zook, Mr. Speaker.
Total 41

Excused: None.
Total 0

Absent or not voting: Sands.
Total 1

HB 6 - Representative Bergsagel moved HB 6 do pass.

Representative Smith moved HB 6, second reading copy, be amended (amendment #2). Motion failed as follows: (38-61)

Representative DeBruycker moved HB 6, second reading copy, be amended (amendment #3). Motion failed as follows: (43-57)

Motion to pass HB 6 carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Adams, Brainard, Jore, Smith, Wells.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 8 - Representative Bergsagel moved HB 8 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 94

Noes: Adams, Arnott, Jore, Pavlovich, Prouse, Raney.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman McGee moved that the Committee of the Whole report be adopted. Report adopted. (97-3)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 282 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Carey, DeBruycker, Ellingson, Hagener, Hurdle, Kasten, McCulloch.

Total 7

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

HB 289 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee,

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Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 308 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 84

Noes: Adams, Arnott, Bergsagel, Brainard, Clark, Curtiss, Kasten, Mills, Mood, Orr, Prouse, Raney, Taylor, Wagner, Walters.
Total 15

Excused: None.
Total 0

Absent or not voting: Rehbein.
Total 1

HB 311 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Hurdle.

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Total 1

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

HB 322 passed as follows:

Ayes: Ahner, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Adams, Anderson, Arnott, Barnett, Bergsagel, Boharski, Curtiss, Grimes, Grinde, Hayne, Jore, Kasten, Mills, Rehbein, Simon, Sliter, Vick, Wagner, Wells, Wyatt.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 341 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Arnott, Cocchiarella, Galvin, Gillan, Harper, Hurdle, Kottel, Ryan, Squires, Whitehead.

Total 10

Excused: None.

Total 0

Absent or not voting: Barnett, Bergsagel.

Total 2

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HB 344 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 351 passed as follows:

Ayes: Ahner, Bergman, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Swanson, Tash, Tropila, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 63

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Brainard, Curtiss, DeBruycker, Dowell, Feland, Grady, Grinde, H.S. Hanson, Jore, Kasten, Keenan, Lawson, Mood, Orr, Rehbein, Simpkins, Sliter, Story, Stovall, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Zook.
Total 37

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 358 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten,

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Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bergman.
Total 1

HB 359 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: Bergsagel.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 370 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

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Noes: Adams, Bergsagel.
Total 2

Excused: None.
Total 0

Absent or not voting: Grinde, Holland.
Total 2

HB 399 passed as follows:

Ayes: Ahner, Anderson, Beaudry, Bergman, Bitney, Carey, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 56

Noes: Adams, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Feland, Grady, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Rehbein, Simpkins, Sliter, Story, Tash, Taylor, Vick, Wagner, Walters, Wells.
Total 43

Excused: None.
Total 0

Absent or not voting: Barnhart.
Total 1

HJR 10 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Adams, Arnott, Brainard, Jore, Keenan, Rehbein, Vick.
Total 7

Excused: None.
Total 0

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Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:00 p.m., Tuesday, February 11, 1997. Motion carried.

House adjourned at 2:44 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 11, 1997

House Chambers
State Capitol

House convened at 12:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Trexler. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the twenty-ninth legislative day, find the same to be correct.

Hayne, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/11/97

Correctly printed for second reading: HB 149.

Correctly engrossed for third reading: HB 406, HB 360, HB 318, HB 317, HB 316, HB 251, HB 248, HB 79, HB 21, HB 18, HB 11, HB 8, HB 6.

HUMAN SERVICES (Grimes, Chairman): 2/11/97

HJR 18, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman): 2/10/97

HB 243, introduced bill, be amended as follows:

1. Page 2, line 16.

Strike: "A"

Insert: "Except for claims under 27-1-718, a"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman): 2/10/97

HB 383, introduced bill, do pass. Report adopted.

SB 1, be concurred in. Report adopted.

SB 72, be concurred in. Report adopted.

SB 131, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman): 2/10/97

HB 381, introduced bill, do pass. Report adopted.

HB 441, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND"

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2. Title, line 6.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3.

Following: line 14

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 130, be amended as follows:

1. Title, line 4.

Following: the second "ACT"

Insert: "CLARIFYING THE NOTICE REQUIREMENTS IN TAX SALE PROCEEDINGS;"

2. Page 2, line 8.

Strike: "person assessed or taxed"

Insert: "true owner"

3. Page 2, line 9.

Following: "after"

Insert: "the later of service or"

Following: "pay to"

Strike: "the claimant or to"

4. Page 2, line 11.

Following: "treasurer or"

Insert: "the true owner may"

5. Page 2, line 14.

Strike: subsection (6) in its entirety

Renumber: subsequent subsection

6. Page 2, line 15.

Strike: "If"

Insert: "Provided that the statutory requirements for a notice of intended issuance of a tax deed required by 15-18-212 have been complied with and if"

7. Page 2, line 17.

Strike: "(7)(b)"

Insert: "(6)(b)"

8. Page 2, line 18.

Following: "defects,"

Insert: "or"

Following: "omissions"

Strike: ", "

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9. Page 2, line 19.

Strike: "or total failure to observe"

Insert: "in"

10. Page 2, line 20.

Strike: "and the giving of notices"

11. Page 2, line 21.

Following: "defects,"

Insert: "or"

Strike: ", or failures"

12. Page 2, line 22.

Strike: "(7)(a)"

Insert: "(6)(a)"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/10/97

SB 49, introduced by Gage

SB 159, introduced by Jergeson

SB 165, introduced by Christiaens

SB 177, introduced by Foster

SB 188, introduced by Mohl

SB 207, introduced by Jabs

SB 216, introduced by Van Valkenburg

SB 222, introduced by Glaser

House amendments to Senate bill concurred in:

SB 58, introduced by Swysgood

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 515, introduced by Cobb, referred to Committee on Human Services.

HB 516, introduced by Keenan, referred to Committee on Taxation.

HB 517, introduced by Vick, Thomas, Grinde, Simpkins, Miller, Sliter, Baer, Ohs, Zook, Cobb, Benedict, Wells, McGee, Knox, R. Johnson, Rose, Beaudry, Holland, Tash, Denny, Ahner, Taylor, M. Hanson, Jore, Mood, Rehbein, Hayne, Brainard, Kasten, Mahlum, Wiseman, Boharski, Bohlinger, Walters, DeBruycker, Barnett, Masolo, Marshall, Bergman, Bergsagel, Bookout-Reinicke, Clark, Wagner, Mercer, Anderson, Keenan, Devaney, Feland, Story, Jenkins, Emerson, Aklestad, Soft, Mohl, Swysgood, Burnett, Keating, Devlin, Grosfield, referred to Committee on Business & Labor.

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HB 518, introduced by Ewer, referred to Committee on Local Government.
HB 519, introduced by Wyatt, referred to Committee on Business & Labor.
HB 520, introduced by Swanson, referred to Committee on Fish, Wildlife, & Parks.
HB 521, introduced by Ryan, referred to Committee on State Administration.
HB 522, introduced by Clark, referred to Committee on Judiciary.
HB 523, introduced by McCulloch, Cocchiarella, Bohlinger, Hibbard, referred to Committee on Education.
HB 524, introduced by Anderson, referred to Committee on Natural Resources.
HB 525, introduced by Kottel, referred to Committee on Taxation.
HB 526, introduced by Quilici, McCarthy, Lynch, Bowman Shea, Miller, Mahlum, Dowell, Rose, Crismore, Devaney, Grady, Denny, DeBruycker, Halligan, Devlin, Benedict, (by request of the Senate Fish and Game Committee) referred to Committee on Transportation.

The following Senate bills were introduced, read first time, and referred to committees:

SB 49, introduced by Gage, (by request of the Department of Revenue) referred to Committee on Taxation.
SB 159, introduced by Jergeson, referred to Committee on Local Government.
SB 165, introduced by Christiaens, Soft, Tuss, referred to Committee on Education.
SB 177, introduced by Foster, referred to Committee on Taxation.
SB 188, introduced by Mohl, Sliter, referred to Committee on Transportation.
SB 207, introduced by Jabs, Stovall, Glaser, Jergeson, Tuss, Ewer, Foster, referred to Committee on Education.
SB 216, introduced by Van Valkenburg, Anderson, Crippen, J. Johnson, referred to Committee on Judiciary.
SB 222, introduced by Glaser, Clark, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Orr in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 210 - Representative Hayne moved HB 210 do pass.

Representative Bankhead moved HB 210, second reading copy, be amended (amendment #1).

Representatives Rose and Simpkins excused at this time.

Amendment #1 failed as follows: (23-75)

Representative Grimes excused at this time.

Representative Harper moved HB 210, second reading copy, be amended as follows (amendment #2):

1. Page 9.

Following: line 27

Insert: "(5) The department shall distribute any balance in the basic 9-1-1 account on July 1, 1998, on a per capita basis to those 9-1-1 jurisdictions that have approved final plans filed with the department as required by

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10-4-112."

2. Page 11, line 20.

Following: "funds."

Insert: "(1)"

3. Page 11, line 23.

Following: "approved."

Insert: "(2) With department approval, money received under [section 14(3) or (4)] may be used to pay for basic 9-1-1 service. The 9-1-1 jurisdiction shall submit a request for an exception under this subsection to the department based on a demonstrated hardship, including geographical constraints, funding limitations, or absence of technical capability or capacity.

(3)"

Representatives Rose and Simpkins present at this time.

Amendment #2 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wyatt, Zook, Mr. Speaker,

Total 73

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Bookout, Brainard, DeBruycker, Devaney, Grinde, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Simon, Sliter, Story, Vick, Wagner, Wells, Wiseman.

Total 25

Excused: Grimes.

Total 1

Absent or not voting: Holland.

Total 1

Representative Grimes present at this time.

Representative Brainard moved for cloture on HB 210. Motion carried.

Motion that HB 210 do pass, as amended, carried as follows:

Ayes: Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Squires, Stovall, Swanson, Tash, Tropila, Whitehead, Wyatt, Zook.

Total 60

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Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Bookout, Brainard, DeBruycker, Denny, Dowell, Feland, H.S. Hanson, Heavy Runner, R. Johnson, Jore, Kasten, Keenan, Masolo, McGee, Ohs, Orr, Prouse, Raney, Rehbein, Simon, Sliter, Smith, Soft, Story, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 331 - Representative Soft moved HB 331 do pass.

Representative Simon moved HB 331, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 26.

Following: "RESTRICTED."

Insert: "(1)"

2. Page 1, line 27, through page 2, line 3.

Following: "IN"

Strike: the remainder of line 27 through "AREA" on page 2, line 3

Insert: "places where alcoholic beverages are sold and consumed on the premises and where the vending machine is under the direct line-of-sight supervision of the owner or an employee of the establishment. The tobacco products must be in a vending machine that contains only tobacco products.

(2) Tobacco products may not be sold through a vending machine that is located in a restaurant unless the restaurant has a bar, the restaurant area shares seating with the bar area, and the vending machine meets the requirements of subsection (1)"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker.

Total 1

Excused: None.

Total 0

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Absent or not voting: Bitney.

Total 1

Motion that HB 331 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bankhead, Bergman, Boharski, Cobb, DeBruycker, Denny, Ellingson, Feland, Grady, Harrington, Jore, Kasten, Orr, Pavlovich, Rehbein, Smith, Tropila, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

HB 343 - Representative Grimes moved HB 343 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Brainard, DeBruycker, Devaney, Grady, Grinde, Jore, Kasten, Keenan, Marshall, McGee, Orr, Pavlovich, Prouse, Rehbein, Sliter, Story, Trexler, Vick, Wagner, Walters, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Feland, Molnar.

Total 2

HB 264 - Representative Molnar moved HB 264 do pass.

Representative Molnar moved HB 264, second reading copy, be amended as follows (amendment #1);

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1. Page 2, line 5.

Strike: "if a youth"

2. Page 2, line 6.

Strike: "has been" through "to be"

Insert: "if a petition has not been filed and the juvenile probation officer, youth court, or agency, as defined in 41-5-103, has reasonable cause to believe that a youth is currently involved with drug use or criminal activity or if a petition has been filed and the juvenile probation officer or youth court finds that a youth is"

3. Page 2, line 8.

Following: "may"

Insert: "expel or"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 76

Noes: Barnhart, Bookout, Carey, Cocchiarella, Galvin, Gillan, Hagener, H.S. Hanson, Harper, Heavy Runner, Hurdle, Kottel, Sands, Schmidt, Smith, Squires, Swanson, Tuss, Whitehead, Wyatt.
Total 20

Excused: None.

Total 0

Absent or not voting: Harrington, Orr, Ryan, Tropila.

Total 4

Representative Clark moved for cloture on HB 264. Motion carried.

Motion that HB 264 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, McCann, McGee, Mills, Molnar, Mood, Orr, Prouse, Raney, Rehbein, Simon, Simpkins, Sliter, Smith, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 60

Noes: Barnhart, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Soft, Squires, Swanson, Tropila, Tuss, Whitehead.
Total 40

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 134 - Representative J. Johnson moved HB 134 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Adams, Boharski, Feland, Grinde, Jore, Prouse, Wagner, Wells.
Total 8

Excused: None.
Total 0

Absent or not voting: Stovall.
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Orr moved that the Committee of the Whole report be adopted. Report adopted. (89-5)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 6 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

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Noes: Adams, Brainard, Jore, Raney, Smith, Wells.
Total 6

Excused: None.
Total 0

Absent or not voting: McGee.
Total 1

HB 8 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Adams, Arnott, Jore, Prouse.
Total 4

Excused: None.
Total 0

Absent or not voting: McGee, Sliter.
Total 2

HB 11 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Adams, Arnott, Jore, Prouse, Wells.
Total 5

Excused: None.
Total 0

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Absent or not voting: McGee.

Total 1

HB 18 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Heavy Runner, McGee.

Total 2

HB 21 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ellis, McGee.

Total 2

HB 79 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bohlinger,

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Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McCann, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Beaudry, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCulloch, Pavlovich, Pease, Quilici, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

HB 248 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Adams, Arnott, Bergsagel, Boharski, Bookout, Brainard, Curtiss, DeBruycker, Denny, Feland, Holland, Jore, Kasten, Keenan, McCann, Molnar, Orr, Peck, Rehbein, Sliter, Smith, Taylor, Vick, Wagner, Walters, Wells.

Total 26

Excused: None.

Total 0

Absent or not voting: Devaney, McGee.

Total 2

HB 251 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

HB 316 passed as follows:

Ayes: Arnott, Beaudry, Bergman, Bergsagel, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, M. Hanson, Harper, Harrington, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tropila, Tuss, Whitehead, Wiseman.

Total 56

Noes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Bitney, Boharski, Bookout, Brainard, Cobb, Denny, Ellis, Grady, Grimes, Grinde, H.S. Hanson, Heavy Runner, Holland, Jore, Kasten, Keenan, Knox, Kottel, Lawson, Masolo, Molnar, Orr, Prouse, Rehbein, Rose, Sliter, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: Feland, McGee.

Total 2

HB 317 passed as follows:

Ayes: Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Adams, Ahner, Anderson, Arnott, Barnett, Bergsagel, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Ellis, Feland, Grady, Grinde, M. Hanson, Holland, Jore, Keenan, Marshall, Masolo, McCann, Molnar, Mood, Orr, Prouse, Rehbein, Taylor, Vick, Wagner, Walters.

Total 31

Excused: None.

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Total 0

Absent or not voting: McGee.

Total 1

HB 318 passed as follows:

Ayes: Beaudry, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Swanson, Tash, Trexler, Tropila, Tuss, Wells, Whitehead, Wiseman.

Total 55

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Brainard, DeBruycker, Denny, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Keenan, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Orr, Prouse, Rehbein, Rose, Simon, Sliter, Stovall, Taylor, Vick, Wagner, Walters, Wyatt, Zook, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

HB 360 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

HB 406 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, DeBruycker, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Peck, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Whitehead.

Total 30

Excused: None.

Total 0

Absent or not voting: McGee.

Total 1

MOTIONS

HB 264 - Representative Molnar moved he be allowed to change his vote on HB 264, second reading, from abstain to aye. Motion carried.

HB 378 - Representative Grinde moved HB 378 be taken from the table in Taxation and rereferred to the Committee on Appropriations. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:50 p.m., Wednesday, February 12, 1997. Motion carried.

House adjourned at 2:21 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
February 12, 1997

House Chambers
State Capitol

House convened at 12:50 p.m. Mr. Speaker in the Chair. Invocation by Representative Tash. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Representative Bergsagel excused at this time.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted the Senate into the House Chambers for the purpose of receiving the State of the Indian Nations Address.

Representative Bergsagel excused at this time.

President William Walks Along, Northern Cheyenne Tribe, presented an Invocation.

Chairman Caleb Shields, Fort Peck Tribal Council, delivered the following address:

STATE OF THE INDIAN NATIONS ADDRESS

Mr. Speaker, it is indeed a pleasure and privilege to make this address on the State of Indian Nations in Montana before this distinguished body and gathered guests. Besides you as House Representatives and State Senators, I would like to acknowledge the members of the Montana Supreme Court and representatives of the Montana tribal governments: William Walks Along, President, Northern Cheyenne; Mickey Pablo, Vice Chairman, Confederated Salish & Kootenai; John Gilbert, Chairman, Little Shell Band of Chippewas; Clara Nomee, Madam Chair, Crow Tribe; Marlene Bear-Walter, Councilwoman, Blackfeet Nation; and Tracy King, Chairman, Fort Belknap. Bert Corcoran, Chairman, Rocky Boy Chippewa Cree could not be present today.

I would like to commend the state legislators for providing this forum on an annual basis to hear the concerns of tribes in Montana. My name is Caleb Shields, Chairman of the Fort Peck Assiniboine & Sioux Tribes. I am also the Chairman of the Council of Energy Resource Tribes (CERT). I was first elected to the Tribal Council in 1975 and have since served our tribes on the Tribal Executive Board. Since 1991, I have served as the Tribal Chairman. In the last twenty-two years, I have had the pleasure and responsibility to testify before many committees of the state and the U.S. Congress.

As I begin today, I would like to take the time to recognize those members of the legislature who are also members of tribes here in Montana: Bill Whitehead, George Heavy Runner, Gerald Pease and Jay Stovall. These individuals truly represent the best of our communities and the state of Montana. The state and all of her citizens are lucky that these individuals have chosen the very difficult path of public service. I thank each and every one of you for your leadership and commitments to not only your tribes and communities but to all of Montana.

I come to you on the heels of a national and state-wide election. It was an election year where Indian people turned out in record numbers to cast their vote for president, senator, congressman, governor, state legislators, county commissioners and school board members. On my reservation alone, 65 percent of the eligible voters voted. This is true of every reservation in this state. Tribal election turnouts run in the middle 70 percent to 85 percent.

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We as Indian people understand the privilege and honor of casting that single vote. Indian people have defended America and her democracy in greater numbers than any other population in defense of America. We as tribal leaders have made the commitment to seeing that our people exercise their right to vote to ensure that those who govern at the local, state and national levels truly represent us and our interests. I commend the tribal leaders for that dedication.

There are seven reservations in Montana. There are over 39,000 Indian people living on or near these reservations. One-third of these people are under the age of 16. Thus, for the tribal leaders here today, I can say that our number one priority for our people is ensuring that our youth, who make up the largest segment of our population and more importantly, who make up our future, will have opportunities in areas of education, health and employment that we did not have, and that their grandparents did not have.

To do this will not be easy. The high school graduation rate for Indian people nationally is 65 percent. This is far below the national average. The infant mortality rate for the tribes in this state is fifteen. This means fifteen out of every 1,000 Indian babies born in this state will die. This is 150 percent higher than the national average. Indian people suffer from diseases that most people thought to be eradicated. For example, the tuberculosis death rate for Indian people is 6.2 percent higher than the national average. We face new challenges with the onslaught of AIDS in our communities, and the old challenges of diabetes and alcoholism continue to plague our communities.

The state-wide unemployment rate for Indian people is 49 percent, and on some reservations like mine, it is as high as 60 percent. Almost 70 percent of all Indians living on or near the seven reservations in Montana earn less than \$7,000. This means that the majority of Indian families living on or near the reservation live below the poverty rate.

It is incumbent upon us as tribal leaders and you as state leaders to change these terrible statistics. We must work together to bring good schools to our children, quality health care to our people, and employment opportunities to rural Montana. For if we do not, we will have failed in our responsibility to our citizens. Why these terrible statistics? These statistics are being provided in an effort to highlight our present conditions. Lest we forget, our whole history as Indian people has been forged by federal Indian policy and through the many demands of state governments against Indian tribes. Federal policy has vacillated numerous times throughout Indian history, and it is little wonder that tribes have not been able to progress economically like their neighbor state governments.

At this time, I would like to give this distinguished body a condensed version of history and U.S. federal Indian policy. I have gathered events from 1492 to the present, into seven eras, so that you can understand what Indian people have lived through.

I. 1492-1787: TRIBAL INDEPENDENCE

North America was inhabited by over four hundred independent nations when it was "discovered" by Columbus in 1492. Columbus mistakenly thought that he had landed in the West Indies and, therefore, the native people were called "Indians."

As the Europeans made treaties and agreements with the Indians and their settlements grew in numbers, so did their fights and arguments over the control of land. Each settlement attempted to enlist this support of nearby Indian tribes. A war erupted in 1763 between English and French settlers, known as the French and Indian War. The most powerful group of Indians at that time, the Iroquois Confederacy, sided with the English. Had they chosen differently, people in the United States today might speak French first.

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II. 1787-1828: AGREEMENTS BETWEEN EQUALS

In the years immediately following the Revolutionary War, the United States Government regarded Indian tribes as having the same status as foreign nations, and every effort was made to obtain their alliance. The Northwest Ordinance of 1789, declared; "The utmost good faith shall always be observed towards Indians; their land and property shall never be taken from them without their consent."

The first Congress passed a number of laws to protect Indians from non-Indians. In 1790, Congress passed laws requiring that persons who wished to trade with Indians must obtain a federal license, authorizing the persecution of non-Indians who committed certain crimes against Indians, and prohibiting non-Indians from obtaining Indian lands without the consent of the United States. In 1793, Congress prohibited federal employees from trading with Indians, and exempted Indians from complying with state trade regulations.

III. 1828-1887: RELOCATION OF THE INDIANS

Federal Indian policy changed abruptly in 1828 when Andrew Jackson became President of the United States. Under Jackson's administration, what previously had been an unspoken policy now became a publicly stated goal: removal of the eastern Indian tribes to the West. This removal policy became "The dominant federal Indian policy of the nineteenth century."

In 1830, Congress passed the Indian Removal Act, which authorized the President to "negotiate" with eastern tribes for their relocation west of the Mississippi River. Besides the discovery of gold in California in 1848 which brought thousands of settlers to the West and increased the desire for Indian land, Congress passed a number of laws during the mid-nineteenth century in order to increase federal control over Indians and to promote the Indians' assimilation into white society. Particular emphasis was placed on "educating" and "civilizing" Indian youth. By 1897 more than two hundred Indian schools had been established under federal supervision. The history of their authoritarian rule is notorious. In 1871, Congress eliminated the policy of making treaties with Indian tribes.

IV. 1887-1934: ALLOTMENT AND ASSIMILATION

In 1887 Congress passed the General Allotment Act, also known as the Dawes Act. The ultimate purpose of the Dawes Act was to break up tribal governments, abolish Indian reservations, and force Indians to assimilate into white society. Congress felt that Indians should learn how to farm. To accomplish this, Congress decided to divide communally held tribal lands into separate parcels, give each tribal member a parcel, and sell "surplus" parcels to white farmers. The effect of the General Allotment Act on Indians was catastrophic; of the 140 million acres of land which tribes collectively owned in 1887, only fifty million acres remained in 1934 when the allotment system was abolished. Although Congress granted and extended United States citizenship to all Indians in 1924, this did little or nothing to improve their situation. The damage was already done.

V. 1934-1953: INDIAN REORGANIZATION

In the early 1930's, federal Indian policy abruptly changed and a more humane and considerate approach was adopted. For one thing, the onset of the Great Depression and the Dust Bowl all but eliminated the desire of whites to obtain additional Indian lands. Mounting public criticism of the federal government's Indian policies encouraged President Franklin D. Roosevelt to make some radical changes.

In June, 1934, congress passed the Indian Reorganization Act, also known as the Wheeler-Howard Act. The express purpose of the IRA was "to rehabilitate the Indian's economic life and to give him a chance to develop the initiative destroyed by a century of oppression and paternalism."

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Between 1935 and 1953, Indian land holdings increased by over two million acres, and federal funds were spent for on-reservation health facilities, irrigation works, roads, homes, and community schools. Unfortunately, the onset of World War II diverted the federal government's attention to other problems, and Indian economic well-being once again began to decline.

VI. 1953-1968: TERMINATION

During the 1950's, Congress made another abrupt change in policy, abandoning the goals of the Indian Reorganization Act and ending its efforts to improve Indian economic life. The new policy Congress adopted brought Indian tribes to the brink of economic collapse. This new policy was called termination: the termination of federal benefits and support services to certain Indian tribes and the forced dissolution of their reservations.

In an effort to reduce federal responsibility even further, Congress passed Public Law 82-280, generally known as P.L. 280. This statute conferred upon certain designated states full criminal and some civil jurisdiction over Indian reservations. During this same period of time, Congress also established yet another old policy: the relocation of Indians to urban areas to rid them from the reservations. Again, the onset of the Vietnam War in 1959 and throughout the 60's diverted further attention from reservations.

VII. 1968-: TRIBAL SELF-DETERMINATION

In 1968, President Johnson declared: We must affirm the rights of the first Americans to remain Indians while exercising their rights as Americans. We must affirm their rights to freedom of choice and self-determination.

Federal Indian policy thus shifted its course once again. President Nixon, who had been vice-president during the termination era, expressly denounced the termination policy in 1970 and stated: "This, then, must be the goal of any new national policy toward the Indian people: to strengthen the Indian sense of autonomy without threatening his sense of community."

Congress has repudiated the termination policies of the 1950's. The Supreme Court noted in 1983, "Both the tribes and the federal government are firmly committed to the goal of promoting tribal self-government, a goal embodied in numerous federal statutes.

VIII. THE FUTURE

The future of federal Indian policy is impossible to predict. During the past forty years alone, Congress has radically altered its Indian policies three times.

In 1983, President Reagan reaffirmed the federal government's policy of promoting tribal self-determination: "This administration intends to restore tribal governments to their rightful place among governments of this nation, and to enable tribal governments, along with state and local governments, to resume control over their own affairs."

In 1994, President Clinton met with all the leaders of Indian Reservations to confirm this nation's government to government relationship with Indian tribes.

As we begin this new session and this new year, we should look back and celebrate the victories that we have shared together in the past. Universally, our victories have been founded upon mutual respect and understanding of the sovereign responsibilities that we share.

The most recent example of this is with the winter disaster that we experienced in northeast Montana. During the

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height of this disaster, state, county and tribal officials worked cooperatively to ensure that the roads were clear and that people could have access to the critical services that they needed. The blizzard did not recognize county, reservation or state borders. We worked as partners to ensure that the needs of the citizens of northeast Montana were met. This cooperative effort surely saved lives.

The tribes and the state have developed and implemented unprecedented revenue sharing agreements in the area of gasoline, cigarette and alcohol sales. These agreements respect the sovereign boundaries of the tribes and the economic needs of our communities.

There is now before the legislature discussion of all sales in Montana to a sales tax. This measure must be redrafted to recognize that the state does not have the authority to levy these types of taxes on sales to Indians within the reservation. This is a longstanding principle of law, recognized by the existing revenue sharing agreements, and must be adhered to by the state.

The tribes have worked with the state to address a number of environmental issues. I am proud to say that there are only three Class I Air Sheds in the nation and all three are located in the state of Montana, on the Flathead Reservation, the Northern Cheyenne Reservation and on my reservation, the Fort Peck Indian Reservation. This designation, while not impeding any economic development opportunities that might be available to these regions, means that businesses must rise to the challenge and ensure that the air that our children breath is pristine air.

Tribes have successfully negotiated water compacts with the state of Montana. Tribes feel that we not only saved millions of dollars in lawyer fees in these compacts, but we have also protected our water rights and tribal sovereignty.

Recently, the Fort Peck tribes and the state entered into an agreement allowing Indian and non-Indian proprietors to operate underground storage tanks in the reservation. These proprietors must comply with the strict environmental standards imposed by the agreement, which were developed by the tribes and state together.

In addition, the Fort Peck Tribes are working with the state and local communities to expand the proposed Municipal, Rural, and Industrial Water Project that is planned for the Fort Peck Reservation. The off-reservation communities that surround the reservation are in desperate need of a new source of drinking water, and we are working with them to develop the infrastructure to be included within our system. This project will bring clean water, the most basic necessity of life, to this region.

These examples prove that when we work collectively to address the issues that face us as governments, we can accomplish great things not only for Indian people but all of Montana.

It is incumbent upon you and us as governmental leaders to work together to address the needs of the people who live in this great state. Efforts to undermine the past successes that we have shared or attempts to erode tribal rights will not only hurt Montana's Indian citizens, but all of the people in Montana. Instead of taking actions that are contrary to the government-to-government foundation that has been laid between the state and tribes, we as governments must join together to meet the challenges that we will face in the years ahead.

Montana has not always regarded Indian tribes on a government-to-government basis. Attempts made by Montana tribes to negotiate in good faith with the state of Montana on numerous issues have not been successful.

Marc Racicot has stated numerous times that the state of Montana will maintain a government-to-government relationship with tribal governments in Montana. If Montana is truly committed to a government relationship with Montana's Indian tribes, Montana will not attempt to assess property taxes on tribal governments. Montana assesses

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no property taxes on city, county and the federal governments. Thus, for Montana to truly respect the government-to-government relationship, tribal governments should be exempted from fee property taxes.

I put the challenge before the Governor and all of you in the state legislature to look at tribal governments not as your adversaries, but as your allies in your efforts to protect the beauty of our state, the grandeur of our mountains, and the vastness of our rolling plains.

As governments, the number one challenge facing us in the years ahead is addressing the severe economic conditions that exist in rural Montana. The poverty and unemployment rates in these regions far exceed those of the nation. The adoption of the Personal Responsibility and Work Opportunity Reconciliation Act gives us new opportunities to craft solutions to this state's poverty and unemployment problems. But I must tell you that if we cannot develop a strategy to ensure that welfare reform works on the seven reservations on Montana, there will be no welfare reform in Montana.

The basic principle of the welfare reform is putting people to work. We as tribal leaders believe putting people to work is the most important step in improving the lives of our people. Yet the challenge is not finding people who want to work on our reservations; the challenge is finding jobs.

In an effort to enhance economic development and self-determination for Montana tribes, a Tribal Business Information Center (TBIC) has been established on each of the seven Montana reservations. These centers, which support small business development, provide business information, education, assistance and counseling to tribal entrepreneurs.

There was a time when my tribe's A&S Industries was the largest employer in the state of Montana. We employed over five hundred people. But with the downsizing of the defense industry, A&S Industries now has less than fifty employees. We must do something to put those four hundred people back to work.

Today, the state, counties and tribes must work together to bring real and stable economic development to rural Montana. If we do not do this, the lives of the people in these communities will be in danger. And the federal social programs that were eliminated or drastically cut as a result of welfare reform will not be there to help these families.

You as state leaders asked Congress to turn this responsibility over to you. I am simply asking that you live up to this responsibility and ensure that the mothers and children on my reservation are not put at risk because your welfare reform plan did not consider them or their needs.

I would at this time like to address an issue that is close to my heart and to that of the Indian people. It is about our four-legged brothers and sisters who cannot speak for themselves.

The Yellowstone Park bison herd has once again placed Montana in the national spotlight. Montana Indian nations' share a common bond with this herd. Like us, they are the last survivors. Those of our ancestors that survived the 19th century found sanctuary on reservations. In 1894, the last wild buffalo herd left in the United States--about twenty head--found sanctuary in Yellowstone Park.

I speak for all Montana Indian nations when I say that the slaughter of this wild herd must stop. The killing is out of hand. Hundreds of buffalo have been slaughtered without even attempting to test them for brucellosis.

Our cultures are different on this issue. Under our religion, buffalo are respected. They are good medicine. Their skulls and hides still adorn our most sacred lodges. We still dance, sing and pray to them. What is occurring now

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outside Yellowstone Park is disrespectful.

Viable alternatives to this slaughter exist that will not jeopardize Montana's brucellosis-free status. Last Friday, all three federal agencies with jurisdiction in this matter - the Park Service, Forest Service, and the Animal and Plant Health Inspection Service - have endorsed the creation of a quarantine facility on tribal lands. It is not the total solution. But it is an essential piece to the solution. Without it, the slaughter will continue into the next century.

Under the quarantine option, the Fort Belknap Tribe agrees to be the caretakers of buffalo that would otherwise be slaughtered. Once certified as brucellosis-free, these bison will be returned to tribal or public lands. Those testing positive will be killed in a respectful manner.

We are encouraged by Governor Racicot's statements on this issue in the last week. We want to work with the Governor and other officials on alternative solutions. We believe "win-win" solutions exist whereby Montana can retain its brucellosis-free status and the slaughter of wild buffalo can stop. Ironically, the buffalo are being slaughtered for a disease that they caught from domestic immigrant cattle.

At the close of the 19th Century, Indian nations did not have a seat at the table on buffalo policy. We deserve a seat at the table now. This issue is fundamental to our culture, and we believe we can contribute to this policy in a positive and respectful manner.

In closing, I again thank the Montana legislators for providing this forum to express our concerns and issues. Mr. Speaker, this ends my address of the Indian nations. Thank you very much.

Chairman Shields presented a Hudson Bay blanket to Representative Whitehead.

Chairman Shields and President Walks Along were escorted from the House Chambers by Sergeant-at-Arms Skelton.

Sergeant-at-Arms Cramer escorted the distinguished guests from the House Chambers.

Sergeant-at-Arms Skelton escorted the Senate from the House Chambers.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirtieth and thirty-first legislative days, find the same to be correct.

Hayne, Chairman

BILLS (Hayne, Chairman):

2/12/97

Correctly printed for second reading: HB 243, HB 381, HB 383, HB 441, HJR 18, SB 1, SB 72, SB 130, SB 131.

Correctly engrossed for third reading: HB 134, HB 210, HB 264, HB 331, HB 343.

AGRICULTURE (Barnett, Chairman):

2/12/97

SB 101, be concurred in. Report adopted.

SB 107, be concurred in. Report adopted.

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SB 183, be concurred in. Report adopted.

SJR 4, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

2/11/97

HB 391, introduced bill, be amended as follows:

1. Page 9, line 29.

Strike: "verified"

Insert: "validated by the local health officer and is"

And, as amended, do pass. Report adopted.

HB 407, introduced bill, be amended as follows:

1. Title, line 12.

Strike: "18-2-409,"

2. Page 1, line 14.

Insert: "Statement of Intent

A statement of intent is desired for this bill because it authorizes the commissioner of labor to adopt rules specifying the method or methods of determining the standard prevailing rate of wages in the absence of sufficient data in a district. It is the intent of the legislature that the commissioner of labor adopt rules establishing a process for determining when there is insufficient data generated by a survey of employers in the district. It is the intent of the legislature that the rules identify an amount of data that constitutes insufficient data under the amendments to 18-2-401. It is the further intent of the legislature that methods for identifying the prevailing wage in the absence of sufficient data in the district provide for review and incorporation of data from work of a similar character that is conducted as near as possible to the district."

3. Page 3, line 16.

Following: "determined."

Insert: "The rules must establish a process for determining if there is insufficient data generated by a survey of employers in the district that requires the use of other methods of determining the standard prevailing rate of wages. The rules must identify the amount of data that constitutes insufficient data and require the commissioner of labor to use other methods of determining the standard prevailing rate of wages when insufficient data exists. The alternative methods of determining the prevailing rate of wages must provide for review and the incorporation of data from work of a similar character that is conducted as near as possible to the original district."

4. Page 5, lines 7 through 28.

Strike: section 4 in its entirety

Renumber: subsequent sections

5. Page 8, line 10.

Insert: "NEW SECTION. Section 10. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

HB 431, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "customer's"
Strike: "written"
2. Page 2, line 5.
Strike: "carrier"
Insert: "carriers"
3. Page 2, line 11.
Following: "carrier"
Insert: "who has initiated the change"
4. Page 2, lines 21 and 22.
Following: "(1)" on line 21
Strike: the remainder of line 21 through "causes a" on line 22
Insert: "A telecommunications carrier who initiates an unauthorized"
5. Page 2, line 29.
Strike: "violates the prohibition against"
Insert: "initiates an"

And, as amended, do pass. Report adopted.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):

2/12/97

HB 413, introduced bill, be amended as follows:

1. Title, line 6.
Following: "REVOKED"
Insert: ", VIOLATORS WHO INJURE PERSONS OR PROPERTY IN STATE PARKS AND ON STATE LANDS, VIOLATORS WHO COMMIT THE OFFENSE OF CRIMINAL TRESPASS, AND VIOLATORS WHO NEGLIGENTLY OR RECKLESSLY OPERATE A MOTORBOAT; ALLOWING A SENTENCING COURT TO ORDER PUBLIC COMMUNITY SERVICE IN ADDITION TO OTHER FINES AND PENALTIES"
2. Page 1, line 19.
Following: "course"
Insert: "and recommend that a court, when sentencing a violator who has completed the ethics education course and is subsequently convicted of another offense resulting in the suspension or revocation of license privileges, strongly consider the permanent revocation of the violator's license privileges"
3. Page 1, line 26.
Following: "licenses"
Insert: ", for violators who injure persons or property in state parks and on state lands, violators convicted of criminal trespass, and for violators who negligently or recklessly operate a motorboat"

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4. Page 2, line 5.

Following: "license"

Insert: ", as part of a sentence for a violator who is convicted of injury to a person or property in a state park or on state lands, as part of a sentence for a violator who is convicted of criminal trespass pursuant to 45-6-203, and as part of a sentence for a violator who is convicted of the negligent or reckless operation of a motorboat"

5. Page 2.

Following: line 8

Insert: "(3) The court may also include in the sentencing order a condition that a violator sentenced under subsection (2) shall perform a designated number of hours of public community service. Whenever possible, the public service should be of a nature that reminds the person of the effects of the crime and that mitigates those effects to the extent possible."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/11/97

HB 222, introduced bill, be amended as follows:

1. Page 2, line 21.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

2. Page 2, line 24.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

3. Page 2, line 29.

Insert: "(2) A claim that alleges the existence of newly discovered evidence that, if proved and viewed in light of the evidence as a whole would establish that the petitioner did not engage in the criminal conduct for which the petitioner was convicted, may be raised in a petition filed within 1 year of the date on which the conviction becomes final or the date on which the petitioner discovers, or reasonably should have discovered, the existence of the evidence, whichever is later."

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/11/97

HB 401, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "REQUIRING" on line 6 through "RELEASE;" on line 7

2. Title, lines 8 through 10.

Strike: "REQUIRING" on line 8 through "INSTANCES;" on line 10

3. Page 2, lines 21, 22, and 30.

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Strike: "shall"

Insert: "may"

And, as amended, do pass. Report adopted.

HB 411, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 28.

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

2/11/97

HB 334, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "2-2-102,"

Following: "2-2-105"

Strike: ", "

2. Page 1, line 11 through page 2, line 27.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 3, line 20.

Strike: ", as defined in 2-2-102(4)(a),"

4. Page 3, line 23.

Strike: "perform an official act as defined in 2-2-102(4)(b)"

Insert: "threaten the use of the person's position for personal or business benefit or advantage"

5. Page 4, line 3.

Strike: ", as defined in 2-2-102(4)(a),"

6. Page 4, line 6.

Strike: "perform an official act as defined in 2-2-102(4)(b)"

Insert: "threaten the use of the person's position for personal or business benefit or advantage"

And, as amended, do pass. Report adopted.

HB 361, introduced bill, be amended as follows:

1. Page 1, line 15.

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Following: "leased by"

Strike: "an"

Insert: "a public"

Strike: "2-3-102"

Insert: "18-1-101"

2. Page 1, line 20.

Following: "pesticide"

Insert: ", excluding an antimicrobial, disinfectant, or sanitizer,"

3. Page 1, line 23 and line 25.

Strike: "regular"

Insert: "weekly"

4. Page 1, line 24.

Strike: "48"

Insert: "24"

Strike: "5"

Insert: "3"

And, as amended, do pass. Report adopted.

HB 422, introduced bill, do pass. Report adopted.

HB 439, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/11/97

SB 127, be concurred in. Report adopted.

SB 133, be concurred in. Report adopted.

TRANSPORTATION (Anderson, Chairman):

2/11/97

HB 385, introduced bill, be amended as follows:

1. Page 2, line 15.

Following: "of"

Insert: "oncoming"

And, as amended, do pass. Report adopted.

SB 86, be concurred in. Report adopted.

SB 129, be concurred in. Report adopted.

SB 173, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

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Senate bills passed and transmitted to the House for concurrence:

2/11/97

SB 34, introduced by Nelson
SB 55, introduced by Benedict
SB 61, introduced by Keating
SB 109, introduced by Holden
SB 138, introduced by Foster
SB 175, introduced by Swysgood
SB 190, introduced by Lynch
SB 193, introduced by Miller
SB 208, introduced by Estrada

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 11, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 19 sponsored by Representative Pavlovich on February 11, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 11, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 144 sponsored by Representative Simon on February 11, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 527, introduced by Ryan, Bowman Shea, Harrington, Pavlovich, Crippen, Mahlum, Quilici, Van Valkenburg,

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Lynch, Beaudry, Bishop, Beck, Halligan, Wilson, Estrada, Doherty, Franklin, referred to Committee on State Administration.

HB 528, introduced by Wells, Prouse, Brainard, Curtiss, Jore, Orr, Keenan, Bankhead, Emerson, Gage, Grimes, Simpkins, Adams, Rehbein, Walters, Bookout-Reinicke, referred to Committee on Judiciary.

HB 529, introduced by Denny, referred to Committee on Natural Resources.

HB 530, introduced by Brainard, Wells, referred to Committee on Transportation.

HB 531, introduced by Swanson, Grady, Grinde, Ryan, Tash, Menahan, referred to Committee on Natural Resources.

HB 532, introduced by Barnett, Hargrove, referred to Committee on Business & Labor.

HB 533, introduced by Devaney, Grinde, Beaudry, Knox, Anderson, Barnett, Holland, Taylor, Rose, Sliter, referred to Committee on Business & Labor.

HB 534, introduced by Wells, Bitney, referred to Committee on State Administration.

HB 535, introduced by Wells, DeBruycker, Emerson, Bergman, Keating, Keenan, Curtiss, Walters, Adams, Prouse, Orr, Rehbein, referred to Committee on Business & Labor.

HB 536, introduced by Bohlinger, referred to Committee on Taxation.

HB 537, introduced by M. Hanson, Nelson, Rose, Holden, Quilici, Taylor, Devaney, referred to Committee on Taxation.

HB 538, introduced by Keenan, Thomas, Benedict, Brainard, Denny, Wells, Mood, Jergeson, Walters, Lawson, Ahner, Masolo, Devaney, Orr, Kasten, Bergsagel, Barnhart, Simon, McCann, Stang, Grimes, Bookout-Reinicke, referred to Committee on Human Services.

HB 539, introduced by Tuss, Squires, Franklin, Kottel, Marshall, Keenan, referred to Committee on Business & Labor.

HJR 21, introduced by Denny, Ellis, Kitzenberg, Hagener, Gillan, McCulloch, Rose, Heavy Runner, Masolo, Bankhead, Harrington, Mills, Rehbein, Grinde, Walters, Tropila, referred to Committee on Education.

HJR 22, introduced by Pavlovich, Galvin, Quilici, Harrington, J. Johnson, Ryan, Menahan, Tropila, referred to Committee on State Administration.

HJR 23, introduced by Tropila, Pavlovich, Carey, Tuss, Krenzler, Masolo, Ryan, Marshall, Peck, McCann, J. Johnson, Hagener, Kitzenberg, Squires, Rose, Clark, referred to Committee on Education.

The following Senate bills were introduced, read first time, and referred to committees:

SB 34, introduced by Nelson, (by request of the State Auditor) referred to Committee on Business & Labor.

SB 55, introduced by Benedict, referred to Committee on Human Services.

SB 61, introduced by Keating, (by request of the Department of Public Health and Human Services) referred to Committee on Business & Labor.

SB 109, introduced by Holden, (by request of the Department of Corrections) referred to Committee on Select Corrections.

SB 138, introduced by Foster, Grimes, referred to Committee on Judiciary.

SB 175, introduced by Swysgood, referred to Committee on Natural Resources.

SB 190, introduced by Lynch, Gage, referred to Committee on Business & Labor.

SB 193, introduced by Miller, Brainard, McGee, referred to Committee on Business & Labor.

SB 208, introduced by Estrada, Ahner, Thomas, Benedict, Bowman Shea, Mahlum, Quilici, Lynch, Ohs, Jenkins, Eck, Harp, DePratu, Galvin, Christiaens, Pavlovich, Kottel, Cocchiarella, Walters, referred to Committee on Appropriations.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 240 - Representative Devaney moved HB 240 do pass. Motion failed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cobb, DeBruycker, Devaney, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, Molnar, Mood, Ohs, Orr, Prouse, Rose, Simon, Simpkins, Sliter, Tash, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Mr. Speaker.

Total 47

Noes: Barnett, Bergman, Bookout, Carey, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, McGee, Menahan, Mills, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpson, Smith, Soft, Squires, Story, Swanson, Taylor, Trexler, Tuss, Whitehead, Wyatt, Zook.

Total 52

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Stovall.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved that the Committee of the Whole report be adopted. Report adopted. (90-7)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 134 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 92

Noes: Adams, Boharski, Brainard, Grinde, Jore, Prouse, Wagner, Wells.

Total 8

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 343 passed as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Adams, Arnott, Bankhead, Barnett, Bergsagel, Boharski, DeBruycker, Feland, Grinde, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Smith, Story, Trexler, Vick, Wagner, Walters, Wells.

Total 24

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

MOTIONS

HB 160 - Representative Tash moved HB 160 be taken from the Committee on Local Government and rereferred to the Committee on Natural Resources. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 12:50 p.m., Thursday, February 13, 1997. Motion carried.

House adjourned at 2:57 p.m.

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John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 13, 1997

House Chambers
State Capitol

House convened at 12:50 p.m. Mr. Speaker in the Chair. Invocation by Representative R. Johnson. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bergsagel, Raney, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted the Senate into the House Chambers for the purpose of receiving the State of Education Address.

Mr. Speaker welcomed President Aklestad who introduced Mark Lalum, vocational agriculture teacher, Flathead High School. Mr. Lalum delivered the following address:

Governor, Mr. President, Mr. Speaker, Ladies and Gentlemen of the House and Senate, Honored Guests. I do appreciate the opportunity to share with you some of my thoughts on the state of education. I think many times it is easy to dwell on the negatives of education, for we all have opinions about what we would like to see done to improve schools. These discussions and disagreements are healthy for education and should be encouraged and fostered. But one major lesson I have learned is that in an ever changing world, education too must change to meet the needs of our new times. What works in our schools today may not work tomorrow, but by the same token change just for the sake of change is not healthy for education.

Consider Agriculture Education for example. Senator Aklestad can relate to this very well. When he was a teenager, his family knew that agriculture was a challenging field, and in order for him to be well prepared to meet those challenges, the family moved to Kalispell and enrolled him in its nationally acclaimed Ag program. It was a course of study that taught future farmers the values of leadership and personal development while exposing them to the new techniques and technologies that would give each student that competitive edge. I also am a graduate of Flathead High School. In 1977 I had the honor of following my father as a teacher in that program. I went there with the idea that I wanted to continue his work exactly like it was, because it had done so much for so many. But, as I worked with his curriculum, I soon realized that agriculture itself had changed and to truly meet the needs of students the program must change also. Just as Senator Aklestad used those values of leadership and personal development he learned in that course as a foundation, he changed and adapted to meet the challenges of agriculture. I remember very vividly one night coming home and telling my wife that I had put into motion the events that I hoped would improve the curriculum, but if I was wrong I had just destroyed it. Thank goodness I had individuals like my father Luther Lalum, Leonard Lombardi in the Office of Public Instruction, Dr. Van Shelhamer at Montana State University and a committed advisory council to bounce ideas off and to advise me. As we transformed the program we stayed focused on one central theme, and that was what was best for students.

What makes our school special are not our educators, school buildings or the books and computers within. Montana's secret is its most prized resource, our students. Most of them come to us with a strong sense of right and wrong, formed by close and loving families, and communities still small enough to treasure their young folk. Those of us, to whom you have entrusted these young people, are well aware that good raw material demands a superior product. We accept the challenge and I think with due modesty that the record shows that we have delivered.

Montana's students score on the average 10-20% higher than the national average on standardized tests.

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Approximately 51% of Montana's high school students enroll in college upon graduation, and 25% of those will eventually complete their degrees.

Our schools do an excellent job of preparing students for college. For some time we have realized that we need to pay equal attention to the majority who will never earn academic degrees. Even today sometimes we track students into a college or non-college program, for many feel that the vocational track should be less demanding program. It is not, nor should it be. All students require a challenging curriculum that is designed to meet their needs in preparing them for the workforce. That preparation demands that all of our students be well educated.

Like many of you I want my children to go to college, but if they choose not to, I want a system in place that adequately prepares them for their future. Students need to realize that not all careers require a college education. However, they must understand that some type of advanced education will be necessary for most of them.

Today we see education as a seamless system - a system where English is not only taught in the English class, math in the math class, and career preparation in the vocational class. We must continue to work together so that students see the life application of all the disciplines.

To accomplish these goals educators across our state are going to need more help from you, from our universities, businesses, and community members to guide us through these transitions. We need to continue to have the statutory flexibility and leadership to make these changes.

Those of us directly involved in education know that we cannot do it alone. In order to be effective education must be a cooperative effort. On behalf of the education community I would like to take this opportunity to thank you, Governor, members of the legislature, the Superintendent of Public Instruction, the Board of Public Education, our local school boards, and members of our communities for being partners in this important endeavor. I thank each and every one of you for your service to the great state of Montana and her people. Your help is welcome, you are essential, and you are appreciated. Our students deserve nothing less.

Governor, Mr. President, Mr. Speaker, and ladies and gentlemen of the House and Senate. As a career educator I can report to you that our schools stand poised to enter the third millennium, in much the same fashion as our ancestors who came to this country, with our vision confidently focused on the challenges and opportunities of the future and our roots deeply anchored in the traditions and values of the past. Thank you.

Mr. Speaker welcomed Superintendent of Public Instruction Nancy Keenan, who introduced Hilary Fairbrother, Helena Capital High School student. Ms. Fairbrother delivered the following address:

Governor Racicot, Lt. Governor Martz, Mr. Speaker, Mr. President, Members of the Legislature.

It is a great honor and privilege to be speaking with you today. I feel excited, a little overwhelmed, and I feel a tremendous responsibility to the students of Montana to represent them to you in a way that is honest, accurate and useful to you as lawmakers.

I am a senior at Capital High School here in Helena, and this is my seventh year in our Montana schools. My family loves Montana. Montana is a great place to grow up in and Helena is a wonderful place to go to school.

I have so many people to thank for so many quality educational opportunities. I have been taught by talented and dedicated teachers, benefited from caring administrators and learned from school board trustees who are genuinely committed to children and to public education. And, I want Nancy Keenan to know that it does not go unnoticed

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by the school children of Montana that she is always on our side. But most of all, I want to thank my mother. My father died seven years ago, when I was eleven. My mother has dedicated her life to her three children: myself, my older sister and my younger brother. She is always there, encouraging, prodding, supporting, loving and, when needed, pushing us in the right direction.

I have thought day and night ever since I was asked to do this, about what the most important, critical, vital points I should address in these few minutes. I decided that there were three issues I just had to talk about, and they are adequate funding, the condition of Montana's children, and a little bit about the expectations we must have of each other.

Let me begin by sharing with you my dream of becoming a doctor, and more specifically a surgeon. I don't want to merely treat disease. I want to prevent suffering and help people live long, happy and productive lives. I tell you this because I think it directly relates to the three points I hope to make.

It is said that teenagers think they know everything. But, I can tell you for sure, that this seventeen year old knows she does not even have a superficial knowledge of complex state budgets, school funding formulas, or revenue projections. What I do know is how hard it is to learn when there aren't enough textbooks to go around, or when the textbooks are outdated. When I was a freshman three World Cultures classes had to share one set of textbooks. The good news was that they were new. The bad news was that three students had to share a single book. You had to be fast to get a book the day before a test. Learning had more to do with athletic ability and luck than the desire to learn about world cultures. As a freshman I was not even five feet tall and I've never been fast or lucky. My chances of getting a book were pretty slim.

Like medical research and preventative medicine, textbooks cost money. However, every piece of research shows that prevention is much cheaper and more effective than leaving people untreated until the only medical option they have is incredibly expensive and usually futile.

Education is the same way. We can pay now for education and reap the positive results of a highly skilled work force and responsible citizens or wait and pay ten times the price on law enforcement, welfare, and prisons. If this was a story problem in a fifth grade math class, Montana's ten-year-olds could give you the correct answer.

Though I do realize that our revenues are short and our needs are long, I ask, on behalf of Montana's children, that you make education funding such a high priority that in our future we need fewer prison beds and more libraries. I don't ever recall reading that a civilization failed because they spent too much money on education.

Next, I want to talk about the condition of Montana's children. Every night I get to go to sleep in a comfortable bed, in a safe home. I wake up and there is food for breakfast. I have a warm coat and a mother to remind me to remember my lunch. I'm lucky and I know it. But this is not how life is for thousands and thousands of children in Montana. I go to school every day with a girl who doesn't have a home. She doesn't know from day to day where she will be staying. Sometimes she knows where her mother is; most often she doesn't. Food and clothing are luxuries. She feels angry and acts out that anger at school. Reducing support services for her will not alleviate her problems. She needs more help, not less. And, most importantly, she needs to stay in school. I don't know if she'll make it. Going back to my medical analogy, she needs more than an aspirin and some cough syrup. She needs specialized treatment and if she doesn't get it, she will require treatment later that is dramatically more expensive.

We are, each one of us, your children - the rich, the poor, the academically gifted, the learning disabled, Indian, White, Asian, Black, the hungry and the neglected - and we are your responsibility. The one sure way to care for us and to meet this responsibility is to give us a quality education that can only be achieved by adequate funding.

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Finally, we need to raise our expectations. Students need to expect more of themselves. Teachers must seek excellence from themselves and from their students. Parents must get deeply involved in their children's education and expect great things from their children and their schools.

I had a classmate in sixth grade who just did enough to get by in all his classes. He didn't cause any trouble so he didn't get much attention. All of a sudden he got a teacher who didn't think just getting by was good enough. She made it clear that she expected more. And he surprised himself by meeting these new expectations. In fact, he made a habit of reaching higher and expecting more of himself. Today he is enrolled in honors classes and is leading others - teachers and students - in setting high goals and achieving them. On my way to becoming a surgeon I hope to be educated by teachers who expect me to succeed. My patients will be counting on it.

Thank you for inviting me here today, and for all your hard work on behalf of the people of Montana. I wish you increased revenues. . . lower tax rates. . . easily and generously funded education coffers - all of which you accomplish in fewer than ninety days.

Interim Commissioner of Higher Education Richard A. Crofts introduced Mike Green, a student member of the Board of Regents, who delivered the following address:

Governor, Mr. Speaker, Mr. President, Members of the Montana Legislature, Ladies and Gentlemen:

Thank you for the invitation to address this distinguished body. I feel there is no issue which can rival the importance of education in what the state provides, and I am honored to be here sharing my ideas with all of you.

I am not going to discuss decreasing per student funding, or spew forth governor's budget numbers. I am going to discuss education, and ladies and gentlemen, education is much more than dollar signs.

I have asked two new friends to join us with our discussion today. I would like to introduce Arynn Darfler and Colin McLean. They are second graders in Bonnie Morris's class at Four Georgians School here in Helena. Colin wants to be a cartoonist when he grows up and Arynn wants to be an art teacher.

When I mention the word "education," I want you to think of these two young people. For the few short minutes I have with you please focus on these two faces, because they and the thousands of students like them are why we talk about education.

Montana is facing some difficult decisions in this session. And the education community will be facing some difficult decisions after the session. State funding is simply not keeping up with current demands, much less the new demands being put on our educational system. I say that not as an accusation, but as acknowledgement that Montana does not have the luxury of throwing money at any of our problems.

Education is changing, but only part of that change is driven by funding. But regardless of the catalyst, the educational community has embarked on this journey with little guidance from this body. We need your involvement and we need your advice.

The educational community is very committed to providing the best education possible to students sometimes so committed and focused that they forget that there may be another way of doing things.

In higher education our facilities and administrators worked very hard to make our general education core curriculums as strong as possible. They worked so hard that they forgot students also needed the core to be

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"portable" to meet the needs of those who transfer. At the urging of parents, students and, yes, even legislators the Board of Regents confronted that problem last year. We now have a policy that says that any member of the Montana University core from any other school in the system. That change came at the urging from people outside the educational community.

The Regents have implemented policies to deal with widespread concerns that students are taking too long to get a degree. We have lowered the limit on subsidized credits that a student can receive. This policy provides a financial incentive for students to take school more seriously. Students, like me, who have too much fun in their undergraduate will have to pay the unsubsidized tuition over 150 credits. These policies were an attempt to balance the needs of current students with the needs students who will hopefully join Aryn and Colin.

Not only has our response to public concern improved, but response to student concerns have as well. Student involvement in the policy making process has increased steadily in the last biennium. Student concerns led to softening the blow of the subsidized credit limit policy. Students imposed a fee on themselves to confront some of the long range planning needs on our campuses. At the last meeting the board implemented a policy that mandates student consultation in mandatory fee increases. We also consulted with students extensively on their concerns about fee and tuition increases. Students have an active voice in everything higher education is doing, from committee memberships on campuses to presentations at the Board of Regents meetings.

At your urging, higher education and K-12 are continuing to increase and improve communication. You may have heard of the "seamless web." We want to blur the lines between high school and college. We want to help students learn at their own rate, and to learn the skill they need to be successful at every level of their lives.

At a forum held last week, faculty, advisors, students, and governing board members from K-12 and higher education met to discuss the issues that are important to all of education. We asked what each group can do to help this process along. The predominant theme was improving what we have, with what we have to serve the needs of students today and tomorrow.

As a result of improved communication the Montana University System and K-12 have been able to confront the challenge of improving two year post-secondary education. That part of our seamless web has been neglected in the past because of the misperception that a four year degree was better than a two year degree. We still battle the perception that an associate degree from a college of technology is less useful than a bachelor's degree from one of the big campuses. They are different, but each is designed to help the student develop the skills necessary to realize his or her goals. If an Aryn wants to be a mechanic or a welder, a four year degree program is not the best choice for her. There is significant concern that improvements in the two year area will lead to deterioration in other programs. That concern makes our job even more difficult and leads to attacks against the programs we are trying to improve. Attacking the value of the mechanic's program does not make a better nursing program. We want to improve education and our goal is to bring the level of acceptance and performance of two year degrees up to that of our best four year programs, not to bring all of our four year programs down.

One of the other problems with which we are currently struggling is a mistrust of technology. Montana has reluctantly joined the technology revolution. But we are late. The rest of the world is light years ahead. We are playing catch up with limited resources, a woefully inadequate infrastructure, and a skeptical population. There are not enough dollars in the state to solve this problem by throwing money at it. We need creative solutions to a difficult problem and limited funds. Action from this body to encourage private industry to donate used computers to their local schools may move us a long way toward having computer access for every student. But it would still leave large gaps to be filled by other means. We need to engage in these discussions and confront the decisions together.

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We no longer live in a pen and paper world. Students who don't learn about computers in school will be increasingly disadvantaged in the work place. Many of you grew up in an age where we put a man on the moon using a slide rule to check the calculations. And some of you think that this discussion about computers is pointless. But in the era of the Apollo missions, a slide rule was state of the art. Now it is novelty in an antique store. Let's not insist on using antiquated methods and stone age tools by a profession that is supposed to prepare us to live in the future.

I challenge you to help us confront these problems. Get informed and get involved. We read so much about improper land transactions and disruptive students that we forget what is good about our system. At the last Board of Regents meeting the UM and MSU offered to try to work together to try to develop a cooperative doctoral program in wildlife biology. You probably didn't know that, because it was overshadowed by the discussion of a tenure policy that failed. The issue that drove both discussions was improving our institutions. But we need your help getting that message to the public. Not even the Regents agree on tenure's ability to make our institutions stronger, but we do agree that the goal is improving the education available for Aryn and Colin. Let's forget about trivial matters and discuss substantive issues. Help us tackle the problems that educators can't solve on their own. Let's discuss a state financial aid plan. The issue is not if we need it, but how we can get it. The university system can't pay for it with existing money. Montana Associated Students is supporting a bill that would create the Montana Tuition Assistance Program or MTAP. The program is designated to help middle class Montana students who are struggling to pay tuition. We hope to help the student whose parents make too much money to qualify for federal aid, but not enough to pay their ever-increasing tuition bill. Find a student in the hall today and ask them about their plan. Montana students are being forced to forego school or take longer getting through because they and their parents can't afford four straight years of tuition. The more we are forced to raise tuition, the worse this problem will get.

I have mentioned only a few of the tasks we have accomplished and the challenges we still face. I challenge you to talk to educational professionals and students and ask them what other changes have happened, are happening, and still need to happen. Spend some time in a classroom, or on a campus. Offer to help find solutions to problems confronting your schools. Help them find ways to maintain current textbooks, improve classroom technology and make sure that our students have the best teachers possible in an era of tight budgets and growing demands on state government.

Education is not part of the problem in this state, it's part of the solution. But education has problems and we need your help to confront them.

I did not write this speech to provide answers, but to raise questions. I challenge you to look past the superficial problems and evaluate the heart of education in Montana. Due to your positions, the most immediate questions you have to answer deal with the state's budget. Let's not ask how much can we cut from the education budget. Ask what will happen to Aryn and Colin if we decrease this budget. Don't ask how to do this cheaper, ask how can you do it better. Don't use the budget to force education to make the changes you want, but use it to enable educators to make the changes that Aryn and Colin need.

When you are asked to vote on educational issues, or are weighing the impacts of other legislation, ask yourself, "Will this help Aryn and Colin compete in their world?" Or will it make their world even more difficult? We need to analyze the effects of a larger corrections budget. What impacts does across-the-board reductions in the governor's budget have on Aryn and Colin? A growing corrections budget means they may be safer from the evils of the world, but will it prevent us from improving our ability to pass on the skills and the knowledge they will need to pay for their safety? Are we just creating another evil for them to confront and struggle to pay for?

In this building, everything is an educational issue. Every decision made here has impacts which will extend far

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into the future. Education is that which helps all of us deal with those future impacts.

Education is not about the Board of Regents, Nancy Keenan, or land transactions. It is about giving Montanans of all ages the tools they need to live, work and function in the future that you are creating for them. Let's work through our trivial differences and dedicate our attention to making sure we are providing the best tools that we can.

I would like to thank Arynn and Colin for joining me today. I would also like to thank their moms and teacher for making it possible for them to be here.

Arynn, Colin, and I thank you for allowing us to visit with you. And we hope that we have helped you evaluate some of the tough issues you face in this session and those to come. And we look forward to working with you to confront the challenges that face all of us today and tomorrow.

Sergeant-at-Arms Skelton escorted the invited speakers from the House Chambers.

Sergeant-at-Arms Cramer escorted Governor Racicot and distinguished guests from the House Chambers.

Sergeant-at-Arms Skelton escorted the Senate from the House Chambers.

Representative Raney present at this time.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the thirty-second legislative day, find the same to be correct.

Hayne, Chairman

BILLS (Hayne, Chairman): 2/13/97
Correctly printed for second reading: HB 222, HB 334, HB 361, HB 385, HB 391, HB 401, HB 407, HB 411,
HB 413, HB 422, HB 431, HB 439, SB 86, SB 101, SB 107, SB 127, SB 129, SB 133, SB 173, SB 183,
SJR 4.

BUSINESS & LABOR (Simon, Chairman): 2/12/97
HB 185, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "transactions"

Insert: "-- rulemaking"

2. Page 5, line 21.

Following: "state"

Insert: "that are substantially the same as the provisions of Title 35, chapter 15"

3. Page 5, line 27.

Following: "otherwise."

Insert: "The commissioner shall promulgate rules establishing a list of states whose laws are considered substantially the same as Title 35, chapter 15, for the purposes of this subsection (22)."

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And, as amended, do pass. Report adopted.

HB 470, introduced bill, do pass. Report adopted.

HB 478, introduced bill, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

2/13/97

HB 412, introduced bill, do pass. Report adopted.

SB 8, introduced bill, be concurred in. Report adopted.

JUDICIARY (Clark, Chairman):

2/12/97

HB 292, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Strike: "THAT" on line 4 through "CONTROL" on line 6

Insert: "FOR CERTIFICATION OF A PEACE OFFICER WHO LEAVES FULL-TIME OR PART-TIME EMPLOYMENT AND GOES ON ACTIVE RESERVE STATUS OR RETURNS TO FULL-TIME OR PART-TIME EMPLOYMENT"

2. Page 1, lines 10 through 20.

Strike: Section 1 of the bill in its entirety

Insert: "NEW SECTION. Section 3. Certification of peace officer who leaves full-time or part-time employment. A peace officer who leaves full-time or part-time employment and enters an active reserve status within 36 to 60 months retains basic certification status after entering reserve status for as long as the peace officer remains an active reserve officer. If 36 or more months have passed since the peace officer's last full-time or part-time employment and the peace officer returns to full-time or part-time employment, the peace officer shall, upon return to full time or part time employment, comply with 7-32-303(5)(c)."

And, as amended, do pass. Report adopted.

HB 337, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "PHYSICIANS AND"

2. Page 1, line 10.

Following: "liability of"

Strike: "health care provider"

Insert: "dentist"

3. Page 1, line 11.

Following: "A"

Strike: "physician licensed under Title 37, chapter 3, or a"

4. Page 1, line 15.

Strike: "physician,"

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And, as amended, do pass. Report adopted.

HB 352, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "ORIGINAL"

2. Page 1, line 13.

Strike: "original"

3. Page 1, line 16.

Following: "includes"

Strike: remainder of line 16 through "weapon"

Insert: "property taken"

4. Page 1, line 19.

Strike: "weapon"

Insert: "property"

And, as amended, do pass. Report adopted.

HB 396, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

2/12/97

HJR 16, introduced bill, do pass. Report adopted.

HJR 17, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: "Dagger"

Insert: "in late 1966"

2. Page 1, line 27.

Strike: "Davis-Mothan"

Strike: "Davis-Monthan"

3. Page 2, line 3.

Following: "for the"

Insert: "120th Fighter Wing,"

And, as amended, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/12/97

HB 195, introduced bill, be amended as follows:

1. Title, line 5.

Following: "WARRANT"

Strike: "OF"

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Insert: "FOR"

2. Title, line 6.

Following: "ORDER;"

Insert: "CLARIFYING THE AMOUNT OF THE DISTRICT COURT FEE FOR APPEALS FROM COURTS OF LIMITED JURISDICTION AND FOR APPEARING AS A LITIGANT IN A CONTESTED ESTATE PROCEEDING;"

3. Page 1, line 28.

Following: "courts"

Insert: "or on appeal from courts of limited jurisdiction"

4. Page 2, line 2.

Following: "petitioner,"

Insert: "or an appearance from a litigant in a contested estate proceeding,"

5. Page 2, line 7.

Following: "warrant"

Strike: "of"

Insert: "for"

6. Page 2, line 15.

Strike: "general"

Insert: "district court"

Following: "fund"

Insert: "or if a district court fund does not exist, the \$6.40 must be deposited in the county general fund for district court operations"

7. Page 3, line 15.

Following: "WARRANT"

Strike: "OF"

Insert: "for"

8. Page 3, line 23.

Strike: "during"

Insert: "for"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/12/97

SB 144, introduced by Keating

SB 212, introduced by McNutt

SB 232, introduced by Benedict

SB 256, introduced by Hargrove

SB 277, introduced by Bartlett

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House bills concurred in and returned to the House:

2/12/97

HB 25, introduced by Ewer
HB 35, introduced by DeBruycker
HB 43, introduced by Bankhead
HB 85, introduced by Harper

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/12/97

HB 118, introduced by Grady

Representative Barnhart excused at this time.

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 540, introduced by Orr, Curtiss, Bankhead, Ellis, McGee, Wells, Kottel, Soft, Kitzenberg, Burnett, referred to Committee on Judiciary.
HB 541, introduced by Grimes, referred to Committee on Business & Labor.
HB 542, introduced by Peck, referred to Committee on Education.
HB 543, introduced by Schmidt, Prouse, Stovall, Ryan, Tuss, Keenan, Beck, Brainard, Pavlovich, Foster, Ohs, Sliter, Wagner, Swysgood, Crismore, Ahner, Devaney, Anderson, Gillan, Lawson, Mood, Bookout-Reinicke, Tropila, Wells, Tash, Pease, McCulloch, Ewer, Harrington, Menahan, Krenzler, referred to Committee on Business & Labor.
HB 544, introduced by Grady, Smith, Quilici, Feland, Lynch, Swysgood, Beaudry, Hibbard, Menahan, Pavlovich, Beck, Bowman Shea, McCarthy, Harrington, referred to Committee on Select Corrections.
HB 545, introduced by Swanson, Eck, Halligan, Grosfield, Bishop, Barnhart, Cocchiarella, referred to Committee on Business & Labor.
HB 546, introduced by Tash, Grosfield, Knox, Grinde, Harp, Mercer, referred to Committee on Natural Resources.
HB 547, introduced by Rehbein, Halligan, Brooke, Denny, Wells, McCulloch, Baer, Brainard, Squires, Jore, Cobb, Waterman, Grimes, Story, McCann, Harrington, Carey, Orr, Kottel, referred to Committee on Fish, Wildlife, & Parks.
HB 548, introduced by Prouse, Orr, Adams, Wells, Jore, referred to Committee on Taxation.
HB 549, introduced by Bergsagel.
HB 550, introduced by Cocchiarella, referred to Committee on State Administration.
HJR 24, introduced by Soft, Keating, Masolo, McGee, Orr, Kottel, Sprague, R. Johnson, Quilici, Grimes, Foster, referred to Committee on Appropriations.
HJR 25, introduced by Brainard, Prouse, Clark, Orr, Wells, Cobb, Tash, Keating, Curtiss, Stovall, Zook, Kasten, Beaudry, Boharski, Simpkins, Jenkins, Emerson, Baer, Mahlum, Benedict, referred to Committee on State/Federal Relations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 144, introduced by Keating, Bookout-Reinicke, Eck, Bartlett, Wyatt, Holden, referred to Committee on Business & Labor.
SB 212, introduced by McNutt, Mahlum, DePratu, Holden, referred to Committee on Judiciary.

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SB 232, introduced by Benedict, referred to Committee on Judiciary.

SB 256, introduced by Hargrove, referred to Committee on Select Corrections.

SB 277, introduced by Bartlett, referred to Committee on Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wells in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 376 - Representative Tropila moved HB 376 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Jore, Kasten, Smith, Vick.

Total 5

Voted Absentee: Barnhart, Bergsagel, Ayes.

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

HB 388 - Representative Simon moved HB 388 do pass.

Representative Lawson moved HB 388, second reading copy, be amended as follows (amendment #1):

1. Title, line 11.

Strike: "AN"

Insert: "A DELAYED"

2. Page 8, line 10.

Strike: "1997"

Insert: "1998"

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Amendment #1 passed as follows:

Ayes: Arnott, Bergman, Bohlinger, Bookout, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Soft, Squires, Swanson, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 51

Noes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grinde, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, Mills, Molnar, Mood, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Wells, Zook.

Total 47

Excused: Barnhart, Bergsagel.

Total 2

Absent or not voting: None.

Total 0

Representative Cocchiarella moved for cloture on HB 388. Motion carried.

Motion that HB 388 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grinde, Holland, Jore, Keenan, Knox, Marshall, Masolo, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Barnhart, Bergman, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, McCann, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Sands, Schmidt, Simpson, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 45

Voted Absentee: Bergsagel, Aye; Barnhart, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wells moved that the Committee of the Whole report be adopted. Report adopted. (91-3)

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 210 passed as follows:

Ayes: Ahner, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Devaney, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Swanson, Tash, Tropila, Whitehead, Wiseman, Wyatt.

Total 62

Noes: Adams, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Bookout, Brainard, Curtiss, DeBruycker, Denny, Dowell, Feland, Holland, R. Johnson, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Raney, Rehbein, Simon, Sliter, Story, Stovall, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 37

Voted Absentee: Bergsagel, No.

Excused: Barnhart.

Total 1

Absent or not voting: None.

Total 0

HB 264 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Orr, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Ohs, Pavlovich, Pease, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Soft, Squires, Swanson, Tropila, Tuss, Whitehead.

Total 35

Voted Absentee: Bergsagel, Aye.

Excused: Barnhart.

Total 1

Absent or not voting: Menahan.

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Total 1

HB 331 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bankhead, Bergman, Boharski, Cobb, DeBruycker, Denny, Grady, Jore, Kasten, Keenan, Masolo, Orr, Pavlovich, Rehbein, Wagner.

Total 15

Voted Absentee: Bergsagel, Aye.

Excused: Barnhart.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

HB 240 - Representative Grinde moved the House reconsider its action on HB 240 taken on second reading the previous legislative day and rerefer HB 240 to the Committee on Business & Labor. Motion carried.

HB 210 - Representative Barnett moved he be allowed to change his vote on HB 210, third reading, from nay to aye. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, February 14, 1997. Motion carried.

House adjourned at 3:07 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
February 14, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bookout-Reinicke. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Bergsagel, Pease, Grinde, excused. Quorum present.

Mr. Speaker introduced honorary page, Jessica Briggs from Great Falls.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/14/97

Correctly printed for second reading: HB 396, HB 470, HB 478, HB 412, HB 352, HB 337, HB 292, HB 185, HJR 16, HJR 17, SB 8.

Correctly engrossed for third reading: HB 376, HB 388, HB 195.

Correctly enrolled: HB 85, HB 43, HB 35, HB 25.

Examined by the sponsor and found to be correct: HB 25, HB 35, HB 43, HB 85.

BUSINESS & LABOR (Simon, Chairman):

2/14/97

HB 240, introduced bill, do pass. Report adopted.

HB 435, introduced bill, be amended as follows:

1. Title, line 5.

Following: "SHOPS"

Insert: ", HUMANE SOCIETIES, AND ANIMAL SHELTERS"

2. Page 1, line 12.

Strike: "(1) Except as provided in subsection (2), the"

Insert: "The"

3. Page 1, line 13.

Strike: "who"

Insert: "or humane society or publicly operated animal shelter or pound that"

4. Page 1, line 15.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

5. Page 1, line 17.

Following: "received"

Insert: ", including the manufacturer's name and the serial number of the vaccination used"

6. Page 1, line 20.

Following: "(e)"

Insert: "if known, the"

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Following: " ; "
Strike: "and"

7. Page 1, line 21.
Following: "(f)"
Insert: "if known, the"

8. Page 1, line 22.
Following: "sale"
Strike: "."
Insert: "; and"

9. Page 1, following line 22.
Insert: "(7) a copy of the import permit and health certificate pertaining to an animal imported from outside Montana."

10. Page 1, line 23.
Strike: subsection (2) in its entirety

11. Page 2, lines 26 and 27.
Strike: subsection (7) in its entirety

And, as amended, do pass. Report adopted.

HB 492, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 2, line 2.
Insert: "NEW SECTION. Section 3. Applicability. [Section 1] does not apply to the renewal of a license for a premises in existence on [the effective date of this act] or to the transfer of the ownership of a license for a premises in existence on [the effective date of this act]."

NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):
HB 325, introduced bill, do pass. Report adopted.

2/13/97

LOCAL GOVERNMENT (Mills, Chairman):
HB 278, introduced bill, do pass. Report adopted.

2/14/97

HB 338, introduced bill, be amended as follows:

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1. Page 1, line 22.

Strike: "\$50 for each plat"

Insert: "\$15 plus:

- (i) for each lot up to and including 100, \$1;
- (ii) for each additional lot in excess of 100, 50 cents"

2. Page 1, line 24.

Strike: "\$50 for each survey"

Insert: "\$15 plus \$5 for each tract or lot"

And, as amended, do pass. Report adopted.

HB 377, introduced bill, do pass. Report adopted.

HB 421, introduced bill, do pass. Report adopted.

SELECT CORRECTIONS (Bergsagel, Chairman):

2/14/97

HB 203, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "PROVIDING" on line 5 through "CUSTODY;" on line 6

2. Title, line 6.

Following: "SECTIONS"

Insert: "40-8-111,"

3. Title, line 7.

Strike: "41-3-402,"

4. Title, line 9.

Strike: "EFFECTIVE" through "TERMINATION"

Insert: "AN APPLICABILITY"

5. Page 1.

Following: the enacting clause

Insert: "Section 6. Section 40-8-111, MCA, is amended to read:

"40-8-111. Consent required for adoption. (1) An adoption of a child may be decreed when there have been filed written consents to adoption executed by:

(a) both parents, if living, or the surviving parent of a child, provided that consent is not required from a father or mother:

(i) adjudged guilty by a court of competent jurisdiction of assault on a child, as provided in 45-5-201; sexual assault on a child, as provided in 45-5-502; sexual intercourse without consent, as provided in 45-5-503, if the victim was a child; incest, as provided in 45-5-507, if the victim was a child; endangering the welfare of children, concerning a child, as provided in 45-5-622; sexual abuse of children, toward a child, as provided in 45-5-625; or ritual abuse of a minor, as provided in 45-5-627;

(ii) who has been judicially deprived of the custody of the child on account of cruelty or neglect toward the child;

(iii) who has, in the state of Montana or in any other state of the United States, willfully abandoned the

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child, as defined in 41-3-102~~(7)(e)~~~~(8)(e)~~;

(iv) who has caused the child to be maintained by any public or private children's institution, any charitable agency, or any licensed adoption agency or the department of public health and human services of the state of Montana for a period of 1 year without contributing to the support of the child during that period, if able;

(v) if it is proved to the satisfaction of the court that the father or mother, if able, has not contributed to the support of the child during a period of 1 year before the filing of a petition for adoption; or

(vi) whose parental rights have been judicially terminated;

(b) the legal guardian of the child if both parents are dead or if the rights of the parents have been terminated by judicial proceedings and the guardian has authority by order of the court appointing the guardian to consent to the adoption;

(c) the executive head of an agency if the child has been relinquished for adoption to the agency or if the rights of the parents have been judicially terminated or if both parents are dead and custody of the child has been legally vested in the agency with authority to consent to adoption of the child; or

(d) any person having legal custody of a child by court order if the parental rights of the parents have been judicially terminated. In that case, the court having jurisdiction of the custody of the child shall consent to adoption and a certified copy of its order must be attached to the petition.

(2) The consents required by subsections (1)(a) and (1)(b) must be acknowledged before an officer authorized to take acknowledgments or witnessed by a representative of the department of public health and human services or of an agency or witnessed by a representative of the court."

Renumber: subsequent sections

7. Page 1, line 16.

Following: "foster parent"

Insert: "or an adult who resides in the same home in which the child resides"

8. Page 2.

Following: line 1

Insert: "(4) "Best interests of the child" means the physical, mental, and emotional conditions and needs of the child and any other factor considered by the court to be relevant to the child."

Renumber: subsequent subsections

9. Page 3, line 4.

Following: "40-6-234,"

Insert: "40-8-109, 40-8-117,"

Following: "or"

Strike: "in"

10. Page 3, line 24.

Strike: "or court"

11. Page 3, line 25.

Following: "guardian"

Insert: "or a court order"

12. Page 4, line 11.

Strike: "(18)"

Insert: "(19)"

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13. Page 4, line 27.

Strike: "12"

Insert: "10"

14. Page 7, lines 7 through 18.

Strike: section 5 in its entirety

Renumber: subsequent sections

15. Page 7, line 26.

Following: "petition,"

Insert: "except a petition for temporary investigative authority,"

16. Page 8, line 24.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

17. Page 8, line 27.

Strike: "(10)(d)"

Insert: "(10)(c)"

18. Page 8, line 28.

Strike: "youth"

Insert: "child"

19. Page 8, lines 29 and 30.

Strike: subsection (11) in its entirety

Renumber: subsequent subsections

20. Page 9, lines 3 and 4.

Strike: subsection (13) in its entirety

Renumber: subsequent subsections

21. Page 9, line 8 through page 10, line 30.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent sections

22. Page 11.

Following: line 20

Insert: "(2) In an order granting or denying relief, the court shall make a finding regarding the reasonableness of agency efforts to rehabilitate the family to prevent the child's removal from the home."

Renumber: subsequent subsections

23. Page 12, line 2.

Strike: "12"

Insert: "10"

24. Page 12.

Following: line 6

Insert: "(4) An order for temporary investigative authority and protective services may not be issued for a period

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longer than 90 days following the show cause hearing and must be limited to one extension of 90 days. Before the expiration of the time provided for in an order for temporary investigative authority and protective services, the county attorney, the attorney general, or an attorney hired by the county shall file a petition for one of the following:

- (a) limited emancipation;
 - (b) temporary legal custody;
 - (c) termination of the parent-child legal relationship and permanent legal custody with the right to consent to adoption; or
 - (d) dismissal.
- (5) Notwithstanding the above time limits, the court may continue an order for temporary investigative authority pending a hearing on a petition provided for in subsection (4).
- (6) If the time limitations of this section are not met, the court shall review the reasons for the failure and order an appropriate remedy that considers the best interests of the child."

25. Page 12, line 24.

Strike: "(2)"

Insert: "(3)"

26. Page 13, line 17.

Strike: "youth"

Insert: "child"

27. Page 13, line 20.

Strike: "12"

Insert: "10"

28. Page 13.

Following: line 20

Insert: "(2) To grant temporary legal custody, the court shall make a finding that:

- (a) returning the child to the child's parent or guardian would create a substantial risk of harm to the child or would be detrimental to the child's physical or emotional well-being; and
 - (b) reasonable services have been provided to the parent or guardian to prevent the removal of the child from the home.
- (3) In making a finding regarding the risk of harm to the child or regarding detriment to the child, failure of the child's parent or guardian to participate in, to comply with, in whole or in part, or to meet the goals of a court-ordered treatment plan constitutes prima facie evidence that return of the child to the parent or guardian would be detrimental to the child's physical or emotional well-being."

Renumber: subsequent subsections

29. Page 13, line 26.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

30. Page 14, line 1.

Strike: "(2)"

Insert: "(4)"

31. Page 14.

Following: line 1

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Insert: "(6) If the time limitations of this section are not met, the court shall review the reasons for the failure and order an appropriate remedy that considers the best interests of the child."

32. Page 16, line 20 through page 17, line 6.

Strike: section 13 in its entirety

Renumber: subsequent sections

33. Page 17, line 9.

Following: "issued"

Insert: "unless the proceeding has been dismissed, the child was not removed from the home, or the child has been returned to the child's parent or guardian"

34. Page 17, line 10.

Strike: "substituted for"

Insert: "combined with"

35. Page 17, line 11.

Following: "section."

Insert: "If a permanency plan hearing is combined with another hearing, the requirements of the court related to the disposition of the other hearing must be met in addition to the requirements of this section."

36. Page 17, line 12 through page 18, line 1.

Strike: subsections (2) and (3) in their entirety

Insert: "(2) At least 3 days prior to the permanency plan hearing, the department and the guardian ad litem shall each submit a report regarding the child to the court for review. The report must contain the:

- (a) efforts and progress demonstrated by the child's parent or guardian to complete a treatment plan;
- (b) extent to which the parent or guardian cooperated and used the services provided;
- (c) status of the child, including the child's mental, physical, and emotional health; and
- (d) plan for permanency for the child.

(3) If the court finds that the permanency plan is in the best interests of the child, the court shall:

(a) order the department to take whatever steps are necessary to effectuate the terms of the plan and shall order the county attorney, the attorney general, or an attorney hired by the county to petition the court within 30 days after the present hearing for one of the following:

- (i) termination of parental rights;
- (ii) temporary legal custody, not to exceed 6 months; or
- (iii) dismissal; and

(b) in its discretion, enter any other order that it determines to be in the best interests of the child that does not require an expenditure of money by the department unless the department is notified and a court hearing is set in a timely manner on the proposed expenditure. The department is the payor of last resort after all family, insurance, and other resources have been examined.

(4) If the permanency plan hearing results in an order for a 6-month extension of temporary legal custody, upon the expiration of the temporary legal custody order and the filing of a petition by the department and if the court finds that reunification of the child with the child's parent or guardian is not in the best interests of the child, the court shall order:

(a) termination of parental rights if the applicable requirements to terminate parental rights have been met; or

(b) long-term custody of a child if the evidence demonstrates by a preponderance of the evidence that:

- (i) the child has been adjudicated a youth in need of care;
- (ii) the department has made reasonable efforts to reunite the parent and child, further efforts by the

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department would likely be unproductive, and reunification of the child with the parent or guardian would be contrary to the best interests of the child;

(iii) the child has reached 12 years of age;

(iv) termination of parental rights to the child is not in the child's best interests; and

(v) the child has been in a placement in which the foster parent has committed to the long-term care and to a relationship with the child and it is in the best interests of the child to remain in that placement.

(5) The court may terminate long-term custody upon petition of the birth parents, those to whom legal custody has been transferred, or the department if the court finds that the circumstances of the child or family have substantially changed and the best interests of the child are no longer being served."

37. Page 18, line 27.

Strike: "(7)(e)"

Insert: "(8)(e)"

38. Page 19, line 7.

Strike: "₂"

39. Page 19, line 10.

Following: "~~41-3-410.~~"

Insert: "; or

(f) the parent has substantially failed to successfully complete or meet the goals of a treatment plan approved by the court and the child has been in an out-of-home placement for a cumulative total period of 1 year or longer."

40. Page 20, lines 21 and 26.

Strike: "12"

Insert: "10"

41. Page 21, lines 7 and 9.

Strike: "19"

Insert: "16"

42. Page 21, lines 10 and 11.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

43. Page 21, lines 12 and 13.

Strike: "12, 13, and 14"

Insert: "10 and 11"

44. Page 21, lines 15 through 19.

Strike: sections 22 and 23 in their entirety

Insert: "NEW SECTION. Section 19. Coordination instruction. (1) If House Bill No. 163 is passed and approved and if 40-8-109 and 40-8-117 are repealed, a reference to [sections 1 through 156 of House Bill No. 163], the "Montana Adoption Act", should be substituted for the reference to "40-8-109, 40-8-117" in 41-3-102 under the definition of "parent-child legal relationship".

(2) If Senate Bill No. 110 is passed and approved, then 41-3-406 in Senate Bill No. 110 is void and section 10 of this bill must read:

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"NEW SECTION. Section 10. Contributions by parents or guardians for youth's care. (1) If custody of the youth is transferred to the department, the court shall examine the financial ability of the youth's parents or guardians to pay a contribution covering all or part of the costs for the care, custody, and treatment of the youth, including the costs of necessary medical, dental, and other health care.

(2) If the court determines that the youth's parent or guardian is financially able to pay a contribution as provided in subsection (1), the court shall order the youth's parent or guardian to pay a specified amount or an amount determined by the department. In either case, the amount must be based on the uniform child support guidelines adopted by the department pursuant to 40-5-209.

(3) A parent's or guardian's liability for contributions begins to accrue from the date the youth is removed from the home and continues until the youth is returned to the parent or guardian, the youth becomes emancipated, or the liability is terminated by order of the court.

(4) (a) A parent or guardian who is ordered to pay a contribution for a youth under this section assigns to the department all rights to a child support order for that youth that are not otherwise assigned under 53-2-613. The assignment of a child support obligation:

(i) is effective for both current and accrued support;

(ii) takes effect on the date the youth is transferred to the custody of the department; and

(iii) remains in effect for as long as the youth lawfully remains in custody of the department and until all arrears that are owed prior to the termination of the department's custody are paid.

(b) The assigned child support obligation is in addition to the parent's or guardian's contribution determined under subsection (2) or (8), if applicable.

(c) The assigned child support obligation may be retained by the department in an amount sufficient to reimburse the costs for the youth's care that remain after the obligation has been satisfied.

(5) (a) Except as provided in subsection (5)(b), contributions ordered under this section and each modification of an existing order are enforceable by immediate or delinquency income withholding, or both, under Title 40, chapter 5, part 4. An order for a contribution that is inconsistent with this section is nevertheless subject to withholding for the payment of the contribution without need for an amendment of the support order or for any further action by the court.

(b) A court-ordered exception from contributions under this section must be in writing and must be included in the order. An exception from the immediate income withholding requirement may be granted if the court finds that there is:

(i) good cause not to require immediate income withholding; or

(ii) an alternative arrangement between the department and the person who is ordered to pay contributions.

(c) A finding of good cause not to require immediate income withholding must, at a minimum, be based upon:

(i) a written determination and explanation by the court of the reasons why the implementation of immediate income withholding is not in the best interests of the child; and

(ii) proof of timely payment of previously ordered support in cases involving modification of contributions ordered under this section.

(d) An alternative arrangement must:

(i) provide sufficient security to ensure compliance with the arrangement;

(ii) be in writing and be signed by a representative of the department and the person required to make contributions; and

(iii) if approved by the court, be entered into the record of the proceeding.

(6) Upon a showing of a change in the financial ability of the youth's parent or guardian to pay, the court may modify its order for the payment of contributions required under subsection (2) or the parent or guardian may apply to the department for an administrative modification provided for in Title 40, chapter 5, part 2. A modification must be based upon the uniform child support guidelines adopted by the department pursuant to 40-5-209.

(7) (a) If the court orders the payment of contributions under this section or the department orders the

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payment of contributions under subsection (8), the department shall collect and enforce the contribution order pursuant to Title IV-D of the Social Security Act.

(b) The department may collect and enforce a contribution order and an assignment of a child support obligation, if applicable, under this section by any means available under law, including the remedies provided for in Title 40, chapter 5, parts 2 and 4.

(8) Upon a court order for commitment that does not contain an amount of a contribution or a referral by the court to determine an amount of a contribution, as provided in subsection (2), the department may determine, establish, and order the youth's parent or guardian to pay a contribution as provided for in subsection (1) using the procedure provided in Title 40, chapter 5, part 2, for establishing a child support order."

NEW SECTION. Section 20. Applicability. [Sections 1 through 10] apply to proceedings commenced on or after October 1, 1997."

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 551, introduced by Grinde, referred to Committee on Natural Resources.

HB 552, introduced by Vick, referred to Committee on Education.

HB 553, introduced by Stovall, DeBruycker, Orr, Tash, Beaudry, Krenzler, Molnar, Jore, Estrada, Kasten, Sliter, Devaney, Lawson, McGee, Mercer, Knox, Holland, Clark, Jenkins, Emerson, Baer, Rehbein, Curtiss, Zook, Gage, Keating, Grinde, referred to Committee on Judiciary.

HB 554, introduced by Simpkins, Mesaros, Ryan, Christiaens, Galvin, Cobb, Wyatt, Kottel, Schmidt, DeBruycker, Clark, Doherty, Wilson, Franklin, referred to Committee on Transportation.

HB 555, introduced by Simpkins, Mesaros, Rose, Lynch, Tash, Tropila, Kottel, Galvin, Peck, Knox, Clark, Hertel, Tuss, M. Hanson, Harper, Ohs, Bohlinger, Foster, Story, Schmidt, Harrington, Wiseman, Kitzenberg, Barnett, Grinde, Hayne, Rehbein, Ryan, Harp, J. Johnson, Wilson, Van Valkenburg, Zook, DeBruycker, Wyatt, Pavlovich, Raney, Swanson, Christiaens, Franklin, Doherty, referred to Committee on Taxation.

HB 556, introduced by Grady, Story, Feland, Mesaros, Grosfield, Ohs, Hibbard, referred to Committee on Local Government.

HB 557, introduced by Smith, Beck, Lynch, Grinde, Soft, Denny, Mills, Bookout-Reinicke, Barnett, Sliter, referred to Committee on Appropriations.

HB 558, introduced by Smith, Molnar, Bergman, Brainard, Orr, Simpkins, Jore, Curtiss, Adams, Beaudry, Wells, Knox, Keating, Hargrove, Keenan, Arnott, Ahner, Estrada, Walters, Hayne, Holland, referred to Committee on Human Services.

HB 559, introduced by Grimes, Clark, referred to Committee on Select Corrections.

HB 560, introduced by Peck, referred to Committee on Education.

HB 561, introduced by Kasten, Raney, Devlin, Benedict, Van Valkenburg, Stang, Feland, Jergeson, Franklin, Hibbard, Simon, Bartlett, Story, Foster, Halligan, Thomas, Harp, Mercer, Keating, Christiaens, referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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Representative Ohs moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bitney in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 12 - Representative Pavlovich moved HJR 12 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Arnott, Boharski, Jore, Kasten, McGee, Prouse, Rehbein, Wells.

Total 9

Voted Absentee: Bergsagel, Pease, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Hibbard, Keenan, Vick.

Total 3

HB 266 - Representative Cocchiarella moved HB 266 do pass. Motion carried as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 71

Noes: Adams, Anderson, Arnott, Bankhead, Boharski, Brainard, Cobb, Curtiss, DeBruycker, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Marshall, McGee, Orr, Prouse, Rehbein, Smith, Vick, Wagner, Walters, Wells.

Total 25

Voted Absentee: Bergsagel, Pease, Ayes.

Excused: Grinde.

Total 1

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Absent or not voting: Feland, Grady, Mr. Speaker.

Total 3

Representative Heavy Runner excused at this time.

HB 149 - Representative R. Johnson moved HB 149 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Jore, Prouse.

Total 4

Voted Absentee: Bergsagel, Heavy Runner, Pease, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Bergman, Feland, Grady, Keenan.

Total 4

HB 243 - Representative Denny moved HB 243 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Bergsagel, Heavy Runner, Pease, Ayes.

Excused: Grinde.

Total 1

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Absent or not voting: Grady, H.S. Hanson.
Total 2

HB 381 - Representative Hibbard moved HB 381 do pass.

Representative Hibbard moved HB 381, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "EXEMPTION;"

Insert: "ALLOWING CERTAIN COMMUNITY SERVICE ORGANIZATIONS TO APPLY FOR THE EXEMPTION FOR TAX YEAR 1997;"

2. Page 2.

Following: line 5

Insert: "NEW SECTION. Section 2. Application for exemption. To qualify for the exemption under 15-6-209 for tax year 1997, a community service organization that sells food and beverages under license with the state or that has 3 acres of land shall apply for the exemption on a form available from the department of revenue within 30 days of passage and approval of [this act]."

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Barnhart.

Total 1

Excused: Bergsagel, Grinde, Pease.

Total 3

Absent or not voting: Heavy Runner, Sliter.

Total 2

Motion that HB 381 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, Kitzenberg, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila,

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Tuss, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 69

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Boharski, Cobb, Curtiss, Dowell, Gillan, H.S. Hanson, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, McCann, Molnar, Orr, Prouse, Rehbein, Smith, Trexler, Vick, Wagner, Walters.
Total 30

Voted Absentee: Heavy Runner, Pease, Ayes; Bergsagel, No.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 383 - Representative Knox moved HB 383 do pass.

Representative Tuss moved HB 383, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 29.

Following: "violator's"

Strike: "ability to pay and"

2. Page 3, line 9.

Following: "violator's"

Strike: "ability to pay and"

3. Page 3, line 9.

Following: "history"

Insert: "of"

Amendment #1 passed as follows:

Ayes: Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 74

Noes: Adams, Ahner, Arnott, Bergman, Boharski, Cobb, Curtiss, Ellis, Feland, Grimes, M. Hanson, Hayne, Jore, Kasten, Kitzenberg, Molnar, Orr, Prouse, Smith, Vick, Wagner.
Total 21

Excused: Bergsagel, Grinde, Heavy Runner, Pease.
Total 4

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Absent or not voting: Keenan.

Total 1

Motion that HB 383 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Adams, Galvin, Hurdle.

Total 3

Voted Absentee: Heavy Runner, Pease, Ayes.

Excused: Bergsagel, Grinde.

Total 2

Absent or not voting: None.

Total 0

HB 441 - Representative Bankhead moved HB 441 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Bergsagel, Heavy Runner, Pease, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Bohlinger.

Total 1

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HB 385 - Representative McCulloch moved HB 385 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Beaudry, Bergsagel, McGee.
Total 3

Voted Absentee: Heavy Runner, Pease, Ayes; Bergsagel, No.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

HB 391 - Representative Rose moved HB 391 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 84

Noes: Adams, Arnott, Boharski, Curtiss, Devaney, Feland, Jore, Kasten, Keenan, McGee, Orr, Smith, Wagner, Wiseman.
Total 14

Voted Absentee: Bergsagel, Heavy Runner, Pease, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: McCann.
Total 1

HB 396 - Representative Grimes moved HB 396 do pass. Motion carried as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Feland, Jore, Kasten, Keenan, McGee, Mills, Prouse, Vick, Wagner.
Total 14

Voted Absentee: Heavy Runner, Pease, Ayes; Bergsagel, No.

Excused: Grinde.
Total 1

Absent or not voting: None.
Total 0

Representative Ohs moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bitney moved that the Committee of the Whole report be adopted. Report adopted. (89-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 376 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Arnott, Boharski, Jore, Kasten, Vick.
Total 5

Voted Absentee: Bergsagel, Heavy Runner, Pease, Ayes.

Excused: Grinde.

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Total 1

Absent or not voting: None.

Total 0

MOTIONS

HB 349 - Representative Ewer moved HB 349 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Motion failed due to required 3/5 vote. (50-45)

HB 208, SB 106, SB 222 - Representative McGee moved HB 208, SB 106, SB 222 be taken from the Committee on Judiciary and rereferred to the Committee on Select Corrections. Motion carried.

HB 383 amendment - Representative Smith moved she be allowed to change her vote on HB 383 amendment, second reading, from aye to nay. Motion carried.

HB 376 - Representative Marshall moved he be allowed to change his vote on HB 376, third reading, from nay to aye. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Ohs moved the House adjourn until 8:00 a.m., Saturday, February 15, 1997. Motion carried.

House adjourned at 2:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
February 15, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Rehbein. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Grinde, Pease, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/15/97

Correctly printed for second reading: HB 278, HB 325, HB 377, HB 421, HB 430, HB 511, HB 492, HB 505, HB 435, HB 368, HB 338, HB 216, HB 203.

Correctly engrossed for third reading: HB 381, HB 383, HB 441, HB 396, HB 391, HB 385, HB 266, HB 243, HB 240, HB 149, HJR 12.

Signed by the Speaker at 4:28 p.m., February 14, 1997: HB 25, HB 35, HB 43, HB 85.

APPROPRIATIONS (Zook, Chairman):

2/15/97

HB 7, introduced bill, be amended as follows:

1. Title, line 9.

Following: "GRANTS;"

Insert: "AMENDING SECTION 2, CHAPTER 454, LAWS OF 1995;"

2. Page 1, lines 13 and 14.

Following: "(1)"

Strike: "The amounts listed in [section 2] are"

Insert: "The amount of \$3 million is"

3. Page 2, line 29.

Strike: "190,000"

Insert: "0"

4. Page 2, following line 29.

Insert: "The board of oil and gas conservation is authorized to expend remaining funds from grants to the board in this subsection (2) and remaining funds from grants previously awarded to the board to pay for the proper plugging of additional abandoned oil and gas wells. This may include funding the seven priority wells identified in the 1996 "B" orphaned well plug and abandonment project. In determining which wells to plug, abandoned wells that represent the greatest threat to the environment and public health and safety should be given priority over all others."

5. Page 2, line 30 through page 3, line 13.

Strike: line 30 on page 2 through line 13 on page 3.

6. Page 3, following line 13.

Insert: "BUTTE-SILVER BOW LOCAL GOVERNMENT

Butte Mine Subsidence Reclamation

81,250

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ROSEBUD CONSERVATION DISTRICT

Hydrologic & Geologic Feasibility -- Coal Mine

Pits as Water Impounds 150,000

DEER LODGE VALLEY CONSERVATION DISTRICT

Development of Acid- and Heavy Metal-Tolerant Cultivars 100,000"

7. Page 4, following line 16.

Insert: "Section 6. Section 2, Chapter 454, Laws of 1995, is amended to read:

The appropriations for reclamation and development grants on page 2158, Laws of 1995, is amended to read:

"PETROLEUM COUNTY CONSERVATION DISTRICT*

Petroleum County Artesian Basin

Ground Water Project ~~300,000~~ 232,247"

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 354, introduced bill, be amended as follows:

1. Page 2, line 3.

Following: "Any"

Insert: "monetary"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

2/14/97

HB 216, introduced bill, be amended as follows:

1. Title, line 7.

Following: " ; "

Insert: "SUPERSEDING THE UNFUNDED MANDATE LAW ; "

2. Page 3, line 24.

Insert: "NEW SECTION. Section 7. Unfunded mandate law superseded. The provisions of [this act] expressly supersede and modify the requirements of 1-2-112 through 1-2-116."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 368, introduced bill, be amended as follows:

1. Page 16, line 8.

Strike: "nine"

Insert: "eight"

Strike: "six"

Insert: "four"

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Following: "committees"

Insert: ", no more than two may be from one political party,"

2. Page 16, line 9.

Strike: "three"

Insert: "four"

Following: "committees"

Insert: ", no more than two may be from one political party"

3. Page 16, lines 27 through 29.

Strike: "There" on line 27 through "(1)." on line 29

Insert: "If two or more committees have an overlapping area of responsibility or concern, the legislative council shall designate which committee has primary oversight responsibility. (3)"

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 430, introduced bill, do pass. Report adopted.

HB 505, introduced bill, do pass. Report adopted.

HB 511, introduced bill, be amended as follows:

1. Title, lines 4 through 6.

Strike: "REQUIRING" on line 4 through "BUILDINGS;" on line 6

2. Title, line 7.

Strike: "RENT"

3. Title, line 8.

Strike: "RENTAL"

Insert: "CHARGED"

4. Page 1, line 15.

Strike: "Department"

Insert: "County to furnish department"

5. Page 1, line 17.

Strike: the first "department" through "each"

Insert: "county commissioners of each county shall provide existing office space in the"

6. Page 1, line 18.

Following: "building"

Insert: "for use by the department's assessment and appraisal staff, if space is reasonably available"

7. Page 1, line 19.

Strike: "rental"

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8. Page 1, line 22.

Following: "space."

Insert: "For purposes of this section, "county building" may include a city-county building or a building maintained by a consolidated government."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/14/97

SB 99, introduced by Thomas

SB 204, introduced by Nelson

SB 282, introduced by Lynch

House bills concurred in and returned to the House:

2/14/97

HB 73, introduced by Mood

HB 141, introduced by Keenan

HB 218, introduced by Clark

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 562, introduced by Cobb, referred to Committee on Agriculture.

HB 563, introduced by Peck, Kitzenberg, Rose, Dowell, Gillan, referred to Committee on Education.

HB 564, introduced by Dowell, referred to Committee on Education.

HB 565, introduced by Menahan, Lynch, Harper, Harrington, Pavlovich, McCarthy, Smith, Squires, referred to Committee on State Administration.

HB 566, introduced by Menahan, referred to Committee on Taxation.

HB 567, introduced by Squires, Beck, Harper, Menahan, Ahner, Masolo, Ewer, Peck, Bartlett, Ream, Smith, Clark, Grady, Hibbard, Cocchiarella, Pavlovich, Quilici, referred to Committee on Appropriations.

HB 568, introduced by Ohs, Hayne, referred to Committee on State Administration.

HB 569, introduced by Squires, referred to Committee on State Administration.

HB 570, introduced by Wagner, Molnar, Harp, Orr, Curtiss, Adams, Sliter, Bankhead, DePratu, referred to Committee on Fish, Wildlife, & Parks.

The following Senate bills were introduced, read first time, and referred to committees:

SB 99, introduced by Thomas, (by request of the Juvenile Justice and Mental Health Study Commission) referred to Committee on Select Corrections.

SB 204, introduced by Nelson, Kitzenberg, referred to Committee on Transportation.

SB 282, introduced by Lynch, Pavlovich, J. Johnson, Mills, Quilici, Ryan, Grady, Crippen, McCarthy, Mood, Swysgood, Beck, Menahan, Rose, Sliter, Lawson, Kitzenberg, Dowell, Bohlinger, Ellis, Beaudry, referred to Committee on Transportation.

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MOTIONS

HB 391 - Representative Ohs moved HB 391 be removed from third reading and passed for the day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 149 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Jore, Keenan, Prouse.

Total 4

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Masolo.

Total 1

HB 243 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

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Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 266 passed as follows:

Ayes: Ahner, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Story, Stovall, Tash, Trexler, Tropila, Tuss, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Devaney, Feland, Grimes, M. Hanson, Holland, Jore, Kasten, Keenan, Masolo, McCann, McGee, Molnar, Orr, Prouse, Rehbein, Simpkins, Smith, Taylor, Vick, Wagner, Walters, Wells, Wiseman.

Total 34

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Hurdle, Swanson.

Total 2

HB 385 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Arnott, Beaudry, Bergsagel, Keenan, McGee.

Total 5

Voted Absentee: Pease, Aye.

Excused: Grinde.

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Total 1

Absent or not voting: Wyatt.

Total 1

HB 388 failed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Harrington, Hibbard, Holland, Jore, Keenan, Knox, Marshall, Masolo, McCulloch, McGee, Mills, Molnar, Mood, Orr, Pease, Prouse, Simon, Simpkins, Sliter, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 49

Noes: Beaudry, Bergman, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, McCann, Menahan, Ohs, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Smith, Soft, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 49

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Simpson.

Total 1

HB 396 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Arnott, Barnett, Boharski, Jore, Kasten, Keenan, Mills, Prouse, Rehbein, Vick, Wagner.

Total 12

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Tuss.

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Total 1

HB 441 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Clark.

Total 1

HJR 12 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Jore, Kasten, Rehbein, Vick.

Total 5

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Boharski, Ellis, Keenan.

Total 3

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**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Ohs moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 352 - Representative Sliter moved HB 352 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Barnhart, Boharski, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pease, Quilici, Raney, Ream, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 28

Voted Absentee: Grinde, Aye; Pease, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 384 - Representative Ellis moved HB 384 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Cocchiarella, Ellingson, Ewer, Hagener, Harper, Harrington, Hurdle, J. Johnson, R. Johnson, Kasten, Kottel, Krenzler, Pease, Peck, Quilici, Ream, Sands, Soft, Squires, Tuss, Wiseman.

Total 21

Voted Absentee: Grinde, Aye; Pease, No.

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Excused: None.

Total 0

Absent or not voting: Heavy Runner, Simpson.

Total 2

HB 268 - Representative Kottel moved HB 268 do pass.

Representative Kottel moved HB 268, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 17.

Following: "undergo"

Insert: "medically safe"

Following: "equivalent"

Insert: "or other medically safe drug treatment that reduces sexual fantasies, sex drive, or both, paid for by and"

2. Page 6, line 2.

Following: "undergo"

Insert: "medically safe"

Following: "equivalent"

Insert: "or other medically safe drug treatment that reduces sexual fantasies, sex drive, or both, paid for by and"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: R. Johnson.

Total 1

Excused: Grinde, Pease.

Total 2

Absent or not voting: DeBruycker, Devaney, Molnar.

Total 3

Motion that HB 268 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson,

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Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: R. Johnson, Jore.

Total 2

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 222 - Representative Anderson moved HB 222 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Carey, Ellingson, Ewer, Hurdle, McCulloch, Molnar, Pease, Sands, Tuss, Whitehead, Wyatt.

Total 11

Voted Absentee: Grinde, Aye; Pease, No.

Excused: None.

Total 0

Absent or not voting: Anderson, Squires.

Total 2

HB 74 - Representative Masolo moved HB 74 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Beaudry, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt,

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Zook.

Total 63

Noes: Adams, Anderson, Arnott, Barnhart, Bergman, Bitney, Boharski, Cobb, DeBruycker, Devaney, Feland, H.S. Hanson, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McGee, Molnar, Orr, Peck, Prouse, Rehbein, Rose, Sliter, Soft, Story, Taylor, Trexler, Vick, Wagner, Wells, Mr. Speaker.

Total 36

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 241 - Representative Kottel moved HB 241 do pass. Motion carried as follows:

Ayes: Anderson, Barnhart, Beaudry, Bergman, Bergsagel, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 76

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Bitney, Boharski, Curtiss, Feland, Holland, R. Johnson, Jore, Keenan, Molnar, Orr, Prouse, Rehbein, Vick, Wagner, Walters, Wells, Mr. Speaker.

Total 22

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Mills.

Total 1

HB 253 - Representative Mercer moved HB 253 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick,

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Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Boharski, Cobb, Jore, Kasten.
Total 4

Voted Absentee: Pease, Aye.

Excused: Grinde.
Total 1

Absent or not voting: Molnar.
Total 1

HB 278 - Representative Stovall moved HB 278 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Anderson, Arnott, Bergsagel, Boharski, Bookout, Brainard, Clark, Denny, Jore, Keenan, Lawson, Pease, Rehbein, Walters.
Total 15

Voted Absentee: Pease, No.

Excused: Grinde.
Total 1

Absent or not voting: Barnett, Molnar, Orr.
Total 3

HB 325 - Representative Brainard moved HB 325 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Lawson, Marshall, Masolo, McCulloch, McGee, Mills, Molnar, Mood, Orr, Pavlovich, Peck, Prouse, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 67

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Hibbard,

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Hurdle, J. Johnson, Knox, Krenzler, McCann, Menahan, Ohs, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wyatt.

Total 32

Voted Absentee: Pease, No.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 361 - Representative Harper moved HB 361 do pass.

Representative Harper moved HB 361, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 5.

Following: line 4

Insert: "(4) A local government may not adopt standards that are more stringent than the standards established in subsections (2) and (3)."

Renumber: subsequent subsection

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Brainard, Hurdle, Raney.

Total 4

Excused: Grinde, Pease.

Total 2

Absent or not voting: Sliter, Vick.

Total 2

Representative Tropila moved for cloture on HB 361. Motion carried.

Motion that HB 361 do pass, as amended, carried as follows:

Ayes: Ahner, Arnott, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, Harper,

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Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Adams, Anderson, Bankhead, Beaudry, Bergsagel, Bitney, Curtiss, Devaney, Feland, Grimes, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Lawson, McGee, Mood, Orr, Prouse, Rehbein, Sliter, Tash, Taylor, Vick, Wagner, Wells.

Total 30

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: McCann.

Total 1

HB 377 - Representative Ryan moved HB 377 do pass. Motion carried as follows:

Ayes: Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Adams, Anderson, Boharski, Denny, Feland, Jore, Keenan, Lawson, McGee, Orr, Prouse, Rehbein, Story, Vick, Wagner, Wells.

Total 16

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 401 - Representative Barnett moved HB 401 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten,

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Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Mood.

Total 1

HB 407 - Representative Ewer moved HB 407 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Adams, Boharski, Brainard, DeBruycker, Hayne, Jore, Prouse, Rehbein, Vick.

Total 9

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 411 - Representative Ahner moved HB 411 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Ellis, Ewer, Grimes, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Pavlovich, Peck, Prouse, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

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Total 66

Noes: Barnhart, Carey, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Galvin, Gillan, Hagener, Harrington, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Kottel, McCulloch, Ohs, Orr, Pease, Quilici, Ream, Sands, Simpson, Squires, Tuss, Whitehead, Wyatt.

Total 29

Voted Absentee: Pease, No.

Excused: Grinde.

Total 1

Absent or not voting: Feland, Grady, Raney, Sliter.

Total 4

HB 413 - Representative Knox moved HB 413 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Boharski, Brainard, Cocchiarella, DeBruycker, Devaney, Feland, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Story, Trexler, Wagner.

Total 19

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 421 - Representative Denny moved HB 421 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 97

Noes: Jore, Prouse.

Total 2

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

HB 422 - Representative Gillan moved HB 422 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 95

Noes: McGee.

Total 1

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: Hayne, Mood, Mr. Speaker.

Total 3

HB 431 - Representative Quilici moved HB 431 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

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Noes: None.

Total 0

Voted Absentee: Pease, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

Representative Ryan excused at this time.

HB 334 - Representative Peck moved HB 334 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: McGee, Rehbein, Wells.

Total 3

Voted Absentee: Pease, Ryan, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

Representative Brainard excused at this time.

HB 439 - Representative Schmidt moved HB 439 do pass. Motion carried as follows:

Ayes: Adams, Barnhart, Beaudry, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

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Noes: Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Curtiss, DeBruycker, Devaney, Grimes, Hayne, Jore, Kasten, Keenan, Lawson, Marshall, McGee, Mills, Orr, Prouse, Rehbein, Sliter, Smith, Story, Vick, Wagner.

Total 29

Voted Absentee: Brainard, Pease, Ryan, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Molnar.

Total 1

HB 470 - Representative Heavy Runner moved HB 470 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Arnott, Bankhead, Bergman, M. Hanson, Jore, Keenan, McGee, Orr, Prouse, Rehbein, Story, Taylor, Wagner, Wells.

Total 15

Voted Absentee: Brainard, Pease, Ryan, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Molnar, Ream, Vick.

Total 3

HB 478 - Representative Wiseman moved HB 478 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

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Noes: Adams, Boharski, Brainard, Hurdle, Jore, Kasten, Keenan, Rehbein.
Total 8

Voted Absentee: Pease, Ryan, Ayes; Brainard, No.

Excused: Grinde.
Total 1

Absent or not voting: Denny, M. Hanson, Molnar.
Total 3

HJR 18 - Representative DeBruycker moved HJR 18 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 93

Noes: Cocchiarella, Hurdle, Keenan.
Total 3

Voted Absentee: Brainard, Pease, Ryan, Ayes.

Excused: Grinde.
Total 1

Absent or not voting: Denny, Molnar, Vick.
Total 3

HB 185 - Representative Bergsagel moved HB 185 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

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Voted Absentee: Brainard, Pease, Ryan, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Denny.

Total 1

HB 195 - Representative Tash moved HB 195 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bankhead, Barnhart, Boharski, Cobb, R. Johnson, Jore, Masolo, Molnar, Prouse, Vick, Wagner, Wells.

Total 12

Voted Absentee: Brainard, Pease, Ryan, Ayes.

Excused: Grinde.

Total 1

Absent or not voting: Keenan, Trexler.

Total 2

HB 292 - Representative Grady moved HB 292 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Kitzenberg.

Total 1

Voted Absentee: Brainard, Pease, Ayes.

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Excused: Grinde, Ryan.
Total 2

Absent or not voting: Gillan.
Total 1

Representative Tropila assumed the Chair at this time.

HB 337 - Representative Bohlinger moved HB 337 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Trexler.
Total 1

Voted Absentee: Brainard, Pease, Ayes.

Excused: Grinde, Ryan.
Total 2

Absent or not voting: Galvin, Pavlovich.
Total 2

Representative Taylor excused at this time.

HB 412 - Representative Bergman moved HB 412 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.
Total 0

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Voted Absentee: Brainard, Pease, Taylor, Ayes.

Excused: Grinde, Ryan.

Total 2

Absent or not voting: Ellis, Hagener.

Total 2

HJR 16 - Representative Pavlovich moved HJR 16 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Brainard, Pease, Taylor, Ayes.

Excused: Grinde, Ryan.

Total 2

Absent or not voting: Vick.

Total 1

HJR 17 - Representative Pavlovich moved HJR 17 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Voted Absentee: Brainard, Pease, Taylor, Ayes.

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Excused: Grinde, Ryan.
Total 2

Absent or not voting: Orr, Vick.
Total 2

Representative Pavlovich resumed the Chair at this time.

Representative Walters excused at this time.

Representative Ohs moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved that the Committee of the Whole report be adopted. Report adopted. (91-2)

MOTIONS

HB 312 - Representative Ohs moved HB 312 be taken from the Committee on Local Government and rereferred to the Committee on Appropriations. Motion carried.

HB 388 - Representative Simon moved the House reconsider its action on HB 388 taken on third reading the previous legislative day. Motion carried. (61-37)

HB 280 - Representative Bohlinger moved HB 280 be taken from the Committee on Education and rereferred to the Committee on Appropriations.

Representative Wells moved HB 280 revert to previous question. Motion carried.

Motion to rerefer HB 280 failed. (15-77)

SPECIAL ORDERS OF THE DAY

Mr. Speaker introduced the honorary pages for the day:

Abby Johnson, Helena
Marnee Banks, Helena
Kirstin Hagener, Helena
Ryan Hagener, Helena
Kassie Kallin, Helena
Breanne Cutler, Bozeman
Shane Vick, Great Falls

The following sponsor was removed from HB 537: Senator Nelson.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Ohs moved the House adjourn until 1:00 p.m., Monday, February 17, 1997. Motion carried.

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House adjourned at 12:37 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 17, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Jore. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Mr. Speaker appointed Representatives Grinde and Cocchiarella to escort President Abraham Lincoln (Professor Harry Fritz of Missoula) into the House Chambers. President Lincoln addressed the members with a brief history of his life and times.

Representatives Grinde and Cocchiarella escorted President Lincoln from the House Chambers.

Mr. Speaker introduced this week's pages:

Richard Donaldson, Polson
Erin Gagnon, Great Falls
Karl Kjos, Denver, Colorado
Matt Knox, Winifred
Sam Lind, Billings
Clementine Lord, Helena
Mathew Rachor, Florence
Christopher Stump, Great Falls
Tasa Sylte, Helena
Jarrod Weenum, Ryegate

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/17/97

Correctly printed for second reading: HB 354, HB 7.

Correctly engrossed for third reading: HB 74, HB 185, HB 195, HB 222, HB 241, HB 253, HB 268, HB 278, HB 292, HB 325, HB 334, HB 337, HB 352, HB 361, HB 377, HB 384, HB 401, HB 407, HB 411, HB 412, HB 413, HB 421, HB 422, HB 431, HB 439, HB 470, HB 478, HJR 16, HJR 17, HJR 18.

Correctly enrolled: HB 73, HB 141, HB 218.

Examined by the sponsor and found to be correct: HB 73, HB 141, HB 218.

APPROPRIATIONS (Zook, Chairman):

2/17/97

HB 139, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: the second ";" on line 6

Strike: remainder of line 6 through ";" on line 7

2. Title, line 9.

Strike: "STATUTORILY" through "PROPERTY;"

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3. Title, line 12.

Strike: "7-14-2404, 7-14-2406, 7-14-2716, 17-7-502,"

4. Title, line 13.

Strike: "18-4-231,"

5. Title, line 14.

Strike: "18-4-313,"

Strike: "18-5-308, 18-6-101,"

6. Title, line 15.

Strike: "18-7-104, 18-7-105,"

Strike: "53-1-203, 53-30-505,"

7. Title, line 16.

Strike: "18-1-102" through "18-1-114,"

Strike: "18-4-234,"

8. Title, line 17.

Strike: "18-7-107,"

9. Title, line 18.

Following: "DATES"

Strike: "AND"

Insert: ", "

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

10. Page 2, line 9.

Strike: "6, 15, and 35"

Insert: "2, 10, and 23"

11. Page 2, line 12.

Strike: "35"

Insert: "23"

12. Page 2, lines 13 and 14.

Following: "retroactively,"

Strike: remainder of line 13 through "36]" on line 14

Insert: "unless a complaint was filed in district court prior to January 1, 1992, as provided in [section 23]"

13. Page 2, line 18 through page 4, line 19.

Strike: sections 1 through 4 in their entirety

Renumber: subsequent sections

14. Page 4, lines 22 through 24.

Following: "(1)"

Insert: "(1)"

Strike: "1" on line 22

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Following: "~~department~~" on line 22

Strike: remainder of line 22 through "Department" on line 24

Insert: "department"

15. Page 4, line 26.

Strike: "(2)"

16. Page 5, line 6.

Following: "~~(d)~~"

Insert: "(2) Unless the context requires otherwise, in this part, the following definitions apply:

- (a) "Goods" means supplies, equipment, materials, commodities, and specially manufactured products.
- (b) "Montana-made" means manufactured or produced in this state and made with the:
 - (i) use of parts, materials, or supplies of which 50% or more were manufactured or produced in this state; or
 - (ii) employment of persons of whom 50% or more are bona fide residents of Montana as defined in 18-2-401.
- (c) "Nonresident bidder" means a bidder whose residence is not in this state as determined under 18-1-103.
- (d)"

17. Page 5, line 12.

Strike: "(3)"

Insert: "(e) "Resident bidder" means a bidder whose residence is in this state as determined under 18-1-103.

(f)"

18. Page 5, line 24.

Strike: line 24 in its entirety

Insert: "ensure the fair and equitable treatment of all persons who deal with the procurement system of the state;"

19. Page 5, line 26.

Strike: "and"

20. Page 5, line 28.

Following: "integrity"

Insert: "(8) provide safeguards for the maintenance of a procurement system of quality and integrity; and

(9) provide the exclusive remedies for unlawful bid solicitations or contract awards"

21. Page 11, lines 18 through 22.

Strike: section 13 in its entirety

Renumber: subsequent sections

22. Page 14, line 30 through page 15, line 1.

Strike: "supplies or services, or both,"

Insert: "information technology systems and services"

Following: "negotiated"

Strike: remainder of line 30 through "director," on page 15, line 1

23. Page 15, lines 2 through 4.

Following: "proposal" on line 2

Insert: "in accordance with department rules and with the approval of the department director"

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Following: "1" on line 2

Strike: remainder of line 2 through "1" on line 4

Insert: "The department shall report any activity using this method of procurement to the legislative finance committee."

24. Page 15, line 6.

Following: "administer"

Strike: "a"

Insert: "an information technology"

Following: "other"

Insert: "information technology"

25. Page 15, lines 7 and 8.

Following: "entities" on line 7

Strike: remainder of line 7 through "1" on line 8

Insert: "in accordance with department rules and with the approval of the department director. The department shall report any activity using this method of procurement to the legislative finance committee."

26. Page 16, line 13.

Following: "~~part 1~~"

Insert: ", including the preferences established by Title 18, chapter 1, part 1"

27. Page 19, line 28 through page 20, line 17.

Strike: section 23 in its entirety

28. Page 20, line 28 through page 21, line 2.

Strike: section 25 in its entirety

Re-number: subsequent sections

29. Page 21, line 4 through page 22, line 15.

Strike: sections 26 through 28 in their entirety

Re-number: subsequent sections

30. Page 22, line 30 through page 24, line 22.

Strike: sections 30 and 31 in its entirety

Re-number: subsequent sections

31. Page 24, line 29.

Following: "7"

Insert: "However, except when prohibited by federal law, the commission shall make awards and contracts in accordance with 18-1-102 and 18-1-112."

32. Page 25, lines 10 and 11.

Following: "Sections" on line 10

Strike: remainder of line 10 through "18-1-114," on line 11

Strike: "18-4-234, 18-7-107,"

33. Page 25, line 19.

Strike: "6 and 15"

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Insert: "2 and 10"

34. Page 25, lines 22 and 23.

Strike: "15" on line 22

Insert: "10"

Following: "unless" on line 22

Strike: remainder of line 22 through "]" on line 23

Insert: "a complaint was filed in district court prior to January 1, 1992"

35. Page 25, line 24.

Insert: "NEW SECTION. Section 26. Termination. Subsections (4) and (5) of 18-4-302 terminate October 1, 1999."

Renumber: subsequent section

36. Page 25, line 27.

Strike: "6, 15, 34, and 35"

Insert: "2, 10, 22, and 23"

And, as amended, do pass. Report adopted.

SB 35, be concurred in. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

2/17/97

HB 345, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "PRIVATE"

2. Page 1, lines 12 and 15.

Strike: "5"

Insert: "8"

3. Page 1, line 12.

Strike: "'Private Workforce"

Insert: "'Workforce"

4. Page 1.

Following: line 16

Insert: "(1) "Alcohol" means an intoxicating agent in alcoholic beverages, ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

(2) "Alcohol concentration" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath, as indicated by an evidential breath test."

Renumber: subsequent subsections

5. Page 1, lines 17 and 18.

Following: "defined"

Strike: the remainder of line 17 through "50-32-224" on page 18

Insert: "in 49 CFR, part 40"

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6. Page 1, line 20.

Strike: "a private"

Insert: "an"

7. Page 1, line 22.

Strike: "in the private sector"

8. Page 1, line 24.

Strike: "state-licensed"

Insert: "licensed"

9. Page 1, line 30.

Strike: "or blood"

10. Page 2, line 11.

Strike: "and 5" in two places

Insert: "through 8" in both places

11. Page 2, line 22.

Following: "before"

Strike: "implementation."

Insert: "the terms are implemented or changed. Controlled substance and alcohol testing procedures must conform to 49 CFR, part 40."

12. Page 3, line 4.

Strike: "discussion"

Insert: "description"

13. Page 3, line 6.

Following: "test"

Insert: "and a stated alcohol concentration level above which a tested employee must be sanctioned"

14. Page 3, line 15.

Strike: "resolve"

Insert: "receive"

15. Page 3, line 16.

Following: "(iii)"

Strike: "in a proceeding related to a legal action"

Insert: "in connection with any legal or administrative claim"

16. Page 3, line 17.

Strike: "5"

Insert: "8"

17. Page 3, line 27.

Strike: "retesting"

Insert: "followup testing"

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18. Page 3, line 30.

Following: "collection"

Strike: "of"

Insert: ", transport, and testing of urine"

19. Page 3, line 30 through page 4, line 11.

Following: "in" on page 3, line 30

Strike: the remainder of line 30 through "validation" on page 4, line 11

Insert: "accordance with 49 CFR, part 40"

Renumber: subsequent subsection

20. Page 4, line 17.

Insert: (6) Breath alcohol tests must be administered by a certified breath alcohol technician and may only be conducted using testing equipment that appears on the list of conforming products published in the Federal Register.

(7) A breath alcohol test result must indicate an alcohol concentration of greater than 0.04 for a person to be considered as having alcohol in the person's body.

NEW SECTION. Section 5. Qualified testing program -- allowable types -- procedures. Each of the following activities is permissible in the implementation of a qualified testing program:

(1) An employer may test any newly hired employee within 5 days of the employee's reporting to work.

(2) An employer may use random testing if the employer's controlled substance and alcohol policy includes one or both of the following procedures:

(a) An employer or an employer's representative may establish a date when all salaried and wage-earning employees will be required to undergo controlled substance or alcohol tests, or both.

(b) An employer may manage or contract with a third party to establish and administer a random testing process that must include:

(i) an established calendar period for testing;

(ii) an established testing rate within the calendar period;

(iii) a random selection process that will determine who will be tested on any given date during the calendar period for testing;

(iv) all supervisory and managerial employees in the random selection process; and

(v) a procedure that requires the employer to obtain a signed statement from each employee that confirms that the employee has received a written description of the random selection process and that requires the employer to maintain the statement in the employee's personnel file. The selection of employees in a random testing procedure must be made by a scientifically valid method, such as a random number table or a computer-based random number generator table.

(3) An employer may require an employee to submit to followup tests if the employer determines that the employee has misused controlled substances or alcohol at the work site. The followup tests must be described in the employer's controlled substance and alcohol policy and may be conducted for up to 1 year from the time that the employer first requires a followup test.

(4) An employer may require an employee to be tested for controlled substances or alcohol if the employer has reason to suspect that an employee's faculties are impaired on the job as a result of the use of a controlled substance or alcohol consumption. An employer shall comply with the supervisory training requirement in 49 CFR, part 382.603, whenever the employer requires a test on the basis of reasonable suspicion.

(5) An employer may require an employee to be tested for controlled substances or alcohol if the employer has reason to believe that the employee may have contributed to a work-related accident that has caused

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death or personal injury or property damage in excess of \$1,500.

NEW SECTION. Section 6. Employee's right of rebuttal. The employer shall provide an employee who has been tested under any qualified testing program described in [section 5] with a copy of the test report. The employer is also required to obtain, at the employee's request and at the employee's expense, an additional test of the urine split sample by an independent laboratory selected by the person tested. The employee must be provided the opportunity to rebut or explain the results of any test.

NEW SECTION. Section 7. Limitation on adverse action. Adverse action may not be taken by the employer if the employee presents a reasonable explanation or medical opinion indicating that the original test results were not caused by illegal use of controlled substances or by alcohol consumption. If the employee presents a reasonable explanation or medical opinion, the test results must be removed from the employee's record and destroyed."

21. Page 4, line 24.

Strike: "5"

Insert: "8"

22. Page 6, lines 12 and 14.

Strike: "5"

Insert: "8"

23. Page 6, following line 14.

Insert: "NEW SECTION. Section 124. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

EDUCATION (Ellis, Chairman):

2/17/97

HB 436, introduced bill, do pass. Report adopted.

HB 491, introduced bill, do pass. Report adopted.

HJR 21, introduced bill, do pass. Report adopted.

HJR 23, introduced bill, do pass. Report adopted.

SB 71, be amended as follows:

1. Page 1.

Following: line 17

Insert: "STATEMENT OF INTENT

A statement of intent is required for this bill because it requires the board of public education to adopt rules for granting a variance to a school district to conduct a school year of less than 180 school days of pupil instruction if an equivalent is provided through longer hours in the school day.

The board of public education shall adopt procedures for application and approval of this variance that are

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similar to the procedures in the present version of ARM 10.55.604 for school district application for and approval of an alternative standard of accreditation.

It is the intent of the legislature that the superintendent of public instruction amend rules related to the equitable distribution of county, state, and federal school funds to a district that is granted a variance under this bill."

2. Page 1, line 24.

Following: "except that"

Insert: ":(a)"

3. Page 1, line 27.

Strike: "OR"

Insert: ":(b)"

4. Page 1, line 28.

Strike: "PUBLIC"

Insert: "pupil"

Following: "INSTRUCTION"

Insert: "must be conducted"

5. Page 1, line 28.

Following: "20-7-117"

Insert: " ; or

(c) a maximum of 25 districts may be granted a variance for their individual district or for a school within the district by the board of public education to conduct less than the number of days required under this section in a school year if:

(i) the trustees of the school district adopt a resolution to seek a variance under this subsection (1) and provide public notice and a public hearing on the question of adopting the resolution;

(ii) the district conducts an equivalent number of hours of pupil instruction through longer school days; and

(iii) the district meets all other conditions adopted by the board of public education"

6. Page 2, line 9.

Following: "hours"

Insert: " , "

Following: "(2)"

Insert: " , or an equivalent number of hours, as provided in subsection (1)(c)"

7. Page 2.

Following: line 13

Insert: "Section 2. Section 20-1-301, MCA, is amended to read:

"20-1-301. School fiscal year. (1) The school fiscal year ~~shall~~ must begin on July 1 and end on June 30. At least 180 school days of pupil instruction ~~shall~~ and the minimum aggregate hours defined in subsection (2) must be conducted during each school fiscal year, except that:

(a) 175 days and 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient as provided in 20-9-313, or unless a variance for kindergarten has been granted under 20-1-302 or a district is granted a variance under the provisions of chapter 9, part 8, of this title; or

(b) a minimum of 90 days and 360 aggregate hours of pupil instruction must be conducted for a kindergarten program, as provided in 20-7-117; or

(c) a district may be granted a variance for the district or on behalf of a school within the district by the

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board of public education to conduct less than the number of days required under this section in a school year if:

(i) the trustees of the school district adopt a resolution to seek variance under this subsection (1) and provide public notice and a public hearing on the question of adopting the resolution;

(ii) the district conducts an equivalent number of hours of pupil instruction through longer school days; and

(iii) the district meets all other conditions adopted by the board of public education.

(2) The minimum aggregate hours required by grade are:

(a) 720 hours for grades 1 through 3; and

(b) 1,080 hours for grades 4 through 12.

(3) To calculate the number of school days of pupil instruction, a school district shall:

(a) determine the aggregate hours of pupil instruction by grade level;

(b) divide the aggregate hours of pupil instruction for each grade level by the minimum hours a day for that grade level provided in 20-1-302; and

(c) round the result down to the nearest whole number.

(4) For any elementary or high school district that fails to provide for at least 180 school days of pupil instruction and the minimum aggregate hours, as defined in subsection (2), or an equivalent number of hours, as provided in subsection (1)(c), the superintendent of public instruction shall reduce the county equalization as defined in 20-9-334 and the state equalization as defined in 20-9-343 for the district for that school year by 1/90th for each school day less than 180 school days as calculated in subsection (3)."

Renumber: subsequent sections

8. Page 10, line 16.

Following: "date."

Strike: "[This act] is"

Insert: "[Sections 1 and 3 through 12] are"

Following: line 16

Insert: "(2) [Section 2] is effective July 1, 1999.

"NEW SECTION. Section 14. Termination. [Section 1] terminates June 30, 1999."

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

2/17/97

HB 333, introduced bill, be amended as follows:

1. Title, line 8.

Following: the first ";"

Insert: "PROVIDING CIVIL AND CRIMINAL PENALTIES FOR UNLAWFUL USE OR DISCLOSURE OF THAT INFORMATION;"

2. Page 1, line 13.

Strike: "4"

Insert: "6"

3. Page 1, line 24.

Following: "authorization"

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Insert: "or without the authorization of the representative of a patient who is deceased"
Strike: "a designated member of"

4. Page 1, line 25.
Strike: "designated member"
Insert: "review team"

5. Page 1, line 26.
Following: "50-16-525"
Insert: "after the review team has considered whether the disclosure of the information by the provider satisfies the criteria provided in 50-16-529(6)"

6. Page 1, line 28.
Following: "may"
Insert: "only"

7. Page 2, line 4.
Following: "team."
Insert: "(1) A local fetal, infant, and child mortality review team must be approved by the county health department. Approval must be given if:
(a) the county health department has designated a lead person for the purposes of management of the review team;
(b) at least five of the individuals listed in subsection (2) have agreed to serve on the review team; and
(c) the five individuals have developed a plan that includes, at a minimum, operating policies of the review team covering collection and destruction of information obtained pursuant to 44-5-303(4) or [section 2(2)].
(2)"

8. Page 2, line 5.
Following: "include"
Insert: "only"

9. Page 2, line 6.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

10. Page 2, line 22.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

11. Page 2, line 26.
Strike: "any" through "appropriate" on line 26
Insert: "the local registrar"

12. Page 3.
Following: line 2
Insert: "NEW SECTION. Section 5. Unauthorized disclosure by review team member -- civil penalty. A person aggrieved by the use of information obtained pursuant to [section 2(2)] for a purpose not authorized by

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[section 2(3)] or by a disclosure of that information in violation of [section 2(2)] by a member of a local fetal, infant, and child mortality review team may bring a civil action in the district court of the county of the person's residence for damages, costs, and fees as provided in 50-16-553(6) through (8).

NEW SECTION. Section 6. Unauthorized disclosure by review team member -- misdemeanor. A member of a local fetal, infant, and child mortality review team who knowingly uses information obtained pursuant to [section 2(2)] for a purpose not authorized by [section 2(3)] or who discloses that information in violation of [section 2(2)] is guilty of a misdemeanor and upon conviction is punishable as provided in 50-16-551."

Renumber: subsequent sections

13. Page 4, line 17.

Strike: "4"

Insert: "6"

14. Page 4, lines 19 and 21.

Strike: "4"

Insert: "6"

And, as amended, do pass. Report adopted.

HB 538, introduced bill, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/17/97

HB 426, introduced bill, do pass. Report adopted.

HB 479, introduced bill, do pass. Report adopted.

HB 495, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/17/97

HB 480, introduced bill, do pass. Report adopted.

SB 134, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/15/97

SB 41, introduced by Benedict

SB 223, introduced by Cole

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

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HB 571, introduced by Beaudry, Mills, Clark, Hibbard, Bitney, Kottel, Denny, Bergman, Orr, Mood, Sliter, McGee, Grimes, Tash, Smith, Keating, Crippen, Anderson, Bishop, Holden, McNutt, Estrada, Grosfield, referred to Committee on Judiciary.

HB 572, introduced by Anderson, Rehbein, Story, Tash, Bitney, Jore, Brainard, Ellis, Keenan, Devaney, Clark, Orr, Soft, Knox, Taylor, Kasten, Grady, Crippen, Boharski, McNutt, Grosfield, Estrada, Holland, Mood, Beaudry, McGee, Hibbard, Curtiss, Feland, Simpkins, M. Hanson, Wells, Grimes, referred to Committee on Judiciary.

HB 573, introduced by Jore, referred to Committee on Human Services.

HB 574, introduced by Smith, Beck, Menahan, Lynch, Beaudry, Quilici, McCarthy, referred to Committee on Appropriations.

HB 575, introduced by Rehbein, Wiseman, Grinde, Beaudry, Grady, McGee, Denny, Wagner, referred to Committee on State Administration.

HB 576, introduced by Cobb, Barnhart, (by request of the Subcommittee on Human Services) referred to Committee on Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 41, introduced by Benedict, (by request of the Department of Labor and Industry) referred to Committee on Business & Labor.

SB 223, introduced by Cole, Holland, Beaudry, Keating, Zook, Stovall, Jabs, Gage, Devlin, Mahlum, referred to Committee on Natural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ellis in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 203 - Representative Grinde moved consideration of HB 203 be passed for the day. Motion carried.

HB 492 - Representative Harper moved HB 492 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Boharski, Jore, Keenan.

Total 4

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 338 - Representative Lawson moved HB 338 do pass.

Representative Trexler moved HB 338, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 22.

Strike: "\$15"

Insert: "\$10"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Kottel, Menahan, Raney, Sands, Schmidt, Swanson, Tuss, Wyatt.

Total 18

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

Motion that HB 338 do pass, as amended, failed as follows:

Ayes: Bergman, Bookout, Carey, Cobb, Devaney, Ellingson, Ewer, Gillan, Grinde, Hagener, Harper, Harrington, Hurdle, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ryan, Schmidt, Simpson, Sliter, Swanson, Tuss, Whitehead, Wiseman.

Total 29

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellis, Feland, Galvin, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Ream, Rehbein, Rose, Sands, Simon, Simpkins, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.

Total 71

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 368 - Representative Brainard moved HB 368 do pass. Motion carried as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, Denny, Devaney, Ellis, Feland, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Simon, Simpkins, Sliter, Smith, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 61

Noes: Adams, Ahner, Bergsagel, Boharski, Carey, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Heavy Runner, J. Johnson, R. Johnson, Jore, Krenzler, Marshall, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Soft, Squires, Swanson, Trexler, Tropila, Tuss.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 435 - Representative Harper moved HB 435 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, Harper, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 61

Noes: Adams, Ahner, Arnott, Bankhead, Beaudry, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Devaney, Grimes, M. Hanson, Harrington, Hayne, Heavy Runner, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, McCann, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Simpkins, Smith, Soft, Story, Taylor, Vick, Wagner, Walters, Wells.

Total 38

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

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Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ellis moved that the Committee of the Whole report be adopted. Report adopted. (89-8)

SPECIAL ORDERS OF THE DAY

The following sponsors were added to HB 49: Representative Ellis, Representative Simpkins, Representative Lawson, Representative Walters, Representative Rose, Representative Masolo, Representative Peck, Representative Rehbein.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, February 18, 1997. Motion carried.

House adjourned at 2:31 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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Helena, Montana
February 18, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Lt. Governor Martz. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/18/97
Correctly printed for second reading: HB 139, HB 333, HB 426, HB 436, HB 479, HB 480, HB 491, HB 495, HB 538, SB 35, SB 71, SB 134, HJR 21, HJR 23.
Correctly engrossed for third reading: HB 492, HB 435, HB 368.
Delivered to the Governor for his approval at 10:40 a.m., February 18, 1997: HB 25, HB 35, HB 43, HB 85.

EDUCATION (Ellis, Chairman): 2/17/97
HB 49, introduced bill, be amended as follows:

1. Title, lines 5 through 14.
Following: "PROCEDURES;"
Strike: remainder of line 5 through "PERIOD" on line 12
Insert: "REMOVING JURISDICTION OF THE OFFICE OF PUBLIC INSTRUCTION TO HEAR APPEALS AND TO DECIDE DISPUTES ARISING FROM TERMINATION DECISIONS OF A SCHOOL DISTRICT NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT PURSUANT TO TITLE 39, CHAPTER 31, MCA"
Following: "EMPLOYMENT" on line 12
Insert: "OF A TENURE TEACHER"
Following: "CAUSE;"
Strike: remainder of line 12 through "AGREEMENT;" on line 14
2. Title, line 15.
Strike: "OR SPECIALIST"
Following: "TERMINATION"
Insert: "INVOLVING A TEACHER WHOSE EMPLOYMENT IS COVERED BY A COLLECTIVE BARGAINING AGREEMENT PURSUANT TO TITLE 39, CHAPTER 31, MCA"
3. Title, lines 16 and 17.
Strike: "NOT" on line 16 through "AGREEMENT" on line 17
4. Title, line 19.
Following: "AGREEMENT;"
Insert: "CLARIFYING THAT A DISTRICT MAY TERMINATE THE EMPLOYMENT OF A NONTENURE TEACHER AT THE CONCLUSION OF A SCHOOL FISCAL YEAR WITH OR WITHOUT CAUSE UPON PROPER NOTICE; CLARIFYING THAT A DISTRICT MAY DISMISS FOR GOOD CAUSE A TENURE OR NONTENURE TEACHER BEFORE THE EXPIRATION OF A CONTRACT; CLARIFYING THAT A DISTRICT MAY REDUCE THE SALARY OF A TEACHER SERVING IN AN ADMINISTRATIVE POSITION WHO IS ASSIGNED TO A TEACHING POSITION WHEN A

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DISTRICT REDUCES THE SIZE OF ITS ADMINISTRATIVE STAFF;"

Following: "SECTIONS"

Insert: "20-3-107,"

5. Title, line 20.

Following: "20-4-205,"

Insert: "20-4-206, 20-4-207, AND"

Strike: ", AND 20-7-456"

Strike: "REPEALING SECTIONS 20-4-206 AND 20-4-207,MCA;"

6. Title, line 21.

Strike: "AND A RETROACTIVE APPLICABILITY PROVISION"

7. Page 1.

Following: line 23

Insert: "Section 8. Section 20-3-107, MCA, is amended to read:"20-3-107. Controversy appeal.

(1) The superintendent of public instruction shall decide matters of controversy when they are appealed from:

(a) a decision of a county superintendent rendered under the provisions of 20-3-210, except for a decision of a county superintendent or an arbitrator in a teacher termination case; or

(b) a decision of a county transportation committee rendered under the provisions of 20-10-132.

(2) The superintendent of public instruction shall make ~~his~~ a decision on the basis of the transcript of the fact-finding hearing conducted by the county superintendent or county transportation committee and documents presented at the hearing. The superintendent of public instruction may require, if ~~he deems~~ considered necessary, affidavits, verified statements, or sworn testimony as to the facts in issue. The decision of the superintendent of public instruction ~~shall be~~ is final, subject to the proper legal remedies in the state courts. Such The proceedings ~~shall~~ must be commenced no later than 60 days after the date of the decision of the superintendent of public instruction.

(3) In order to establish a uniform method of hearing and determining matters of controversy arising under this title, the superintendent of public instruction shall prescribe and enforce rules of practice and regulations for the conduct of hearings and the determination of appeals by all school officials of the state.

(4) Whenever in a contested case the superintendent of public instruction is disqualified from rendering a final decision, ~~he~~ the superintendent of public instruction shall appoint a ~~hearing~~ hearings examiner as provided in 2-4-611 and the decision of the ~~hearing~~ hearings examiner constitutes the superintendent's final order except as provided in this subsection. Such The final order is subject to all the provisions of Title 2, chapter 4, relating to final agency decisions or orders, including judicial review under Title 2, chapter 4, part 7."

Renumber: subsequent sections

9. Page 1, line 26.

Strike: "and specialist"

Strike: "-- definitions -- waiver"

Strike: "(a)"

10. Page 1, line 27.

Strike: "and subsection (1)(b) of this section"

Following: "~~whenever~~"

Insert: "whenever"

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11. Page 1, line 29 through page 2, line 15.

Following: "~~be~~"

Strike: remainder of line 29 through "~~be~~" on page 2, line 15

Insert: "has been elected by the offer and acceptance of a contract for the fourth consecutive year of employment by a district in a position requiring teacher certification except as a district superintendent or specialist, the teacher is considered to be"

Renumber: subsequent subsections

12. Page 2, lines 16, 17, 19, 20, 21, 22, and 25.

Page 3, lines 8, 10, 18, 23, 24 through 25, and 26.

Page 4, lines 1, 3, 8, 9, 10, 20, 21, 22, 24, and 26.

Page 5, lines 1, 11, 13, 15, 22, 23, 25, 26, 29, and 30.

Following: "teacher"

Strike: "or specialist"

13. Page 2, line 23.

Page 5, lines 12 and 28 and 29.

Following: "teachers"

Strike: "or specialists"

14. Page 2, line 27 through page 3, line 5

Strike: subsections (7) and (8) in their entirety

15. Page 3, line 19.

Page 4, line 7.

Page 5, lines 2 and 18.

Page 5, line 30 through page 6, line 1.

Page 8, line 11.

Following: "teacher's" or "teacher's"

Strike: "or specialist's"

16. Page 4, line 5.

Following: "~~law~~"

Insert: "the county superintendent if the teacher's employment is not covered by a collective bargaining agreement pursuant to Title 39, chapter 31, who may appoint a qualified attorney as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. If the employment of the teacher is covered by a collective bargaining agreement pursuant to Title 39, chapter 31, a tenure teacher shall appeal a decision to terminate an employment contract to"

17. Page 4, lines 6 and 7.

Strike: the first "teacher" on line 6 through "the" on line 7

18. Page 4, lines 7 and 8.

Following: "If" on line 7

Strike: the remainder of line 7 through "if" on line 8

19. Page 4.

Following: line 13

Insert: "(6) In a termination involving a teacher whose employment is not covered by a collective bargaining

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agreement pursuant to Title 39, chapter 31, either the teacher or the trustees may appeal to the district court of the county in which the teacher was employed. The proceedings must be commenced no later than 60 days after the date of the decision of the county superintendent."

Renumber: subsequent subsections

20. Page 4, line 16.

Strike: "A"

Insert: "In a termination involving a teacher whose employment is covered by a collective bargaining agreement pursuant to Title 39, chapter 31, a"

21. Page 5.

Following: line 19

Insert: "Section 5. Section 20-4-206, MCA, is amended to read:"20-4-206. Notification of nontenure teacher reelection -- acceptance -- termination ~~and statement of reason~~. (1) The trustees shall provide written notice by May June 1 to ~~all nontenure teachers who have~~ each nontenure teacher employed by the district regarding whether the nontenure teacher has been reelected for the ensuing school fiscal year. A nontenure teacher who does not receive written notice of reelection or termination is automatically reelected for the ensuing school fiscal year.

(2) A ~~nontenure~~ nontenure teacher who receives notification of ~~his~~ reelection for the ensuing school fiscal year shall provide the trustees with ~~his~~ written acceptance of the conditions of reelection within 20 days after the receipt of the notice of reelection. Failure to ~~so~~ notify the trustees within 20 days ~~may be considered~~ constitutes conclusive evidence of the nontenure teacher's nonacceptance of the tendered position.

(3) Subject to the June 1 notice requirements in this section, the trustees may nonrenew the employment of a nontenure teacher at the conclusion of the school fiscal year with or without cause. When the trustees notify a nontenure teacher of termination, the teacher may within 10 days after receipt of the notice make written request of the trustees for a statement in writing of the reasons for termination of employment. Within 10 days after receipt of the request, the trustees shall furnish to the teacher a true statement of reasons for termination.

(4) ~~If a nontenure teacher believes the reasons provided by the trustees are not true, the teacher may request in writing within 10 days of receipt of the statement of reasons that the county superintendent hold a hearing in accordance with 20-3-210 to determine whether the reasons are true. A hearing must be scheduled within 10 days and held within 45 days after receipt of the request, except that the period may be extended upon agreement between the trustees and the teacher. The burden of proof that the reasons are not true rests with the teacher, and the showing must be demonstrated by clear and convincing evidence.~~

(5) ~~If, after a hearing, the county superintendent determines that the reasons are not true, the county superintendent shall order the trustees to offer the teacher a contract for the ensuing school fiscal year.~~

(6) ~~The provisions of this section do not apply to cases in which a nontenure teacher is terminated when the financial condition of the school district requires a reduction in the number of teachers employed and the reason for the termination is to reduce the number of teachers employed."~~

Section 6. Section 20-4-207, MCA, is amended to read:"20-4-207. Dismissal of teacher under contract.

(1) The trustees of any district may dismiss a teacher before the expiration of ~~his~~ the teacher's employment contract for ~~immorality, unfitness, incompetence, or violation of the adopted policies of such trustees~~ good cause.

(2) (a) The following persons may recommend the dismissal of a teacher for cause under subsection (1):

(i) a district superintendent;

(ii) in a district without a district superintendent, a principal; or

(iii) in a district without a district superintendent or a principal, the county superintendent or a trustee of

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the district.

(b) A person listed in subsection (2)(a) who recommends dismissal of a teacher shall give notice of the recommendation in writing to each trustee of the district and to the teacher.

(c) The notice must state the specific instances of behavior or acts that led to the recommendation for dismissal.

(3) (a) Whenever the trustees of any district receive a recommendation for dismissal, the trustees shall notify the teacher of ~~his~~ the right to a hearing before the trustees either by certified letter or by personal notification for which a signed receipt must be returned. The teacher may in writing waive the right to a hearing. Unless the teacher waives the right to a hearing, the teacher and trustees shall agree on a hearing date not less than 5 days or more than 20 days from the notice of intent to recommend dismissal.

(b) The trustees shall conduct a hearing on the recommendation and resolve at the conclusion of the hearing to dismiss the teacher or to reject the recommendation for dismissal.

(4) With the exception of a county superintendent, a person who recommends dismissal pursuant to subsection (2) may suspend the teacher from active performance of duty with pay pending the hearing date if the teacher's behavior or acts that led to the recommendation for dismissal are contrary to the welfare of the students or the effective operation of the school district.

(5) Any teacher who has been dismissed may in writing within 10 days appeal ~~such~~ the dismissal ~~to the county superintendent. Following such appeal, a hearing must be scheduled within 10 days and held within 30 days after the appeal, except that the period may be extended upon agreement between the teacher and the trustees. If the county superintendent, after a hearing, determines that the dismissal by the trustees was made without good cause, he shall order the trustees to reinstate such teacher and to compensate such teacher at his contract amount for the time lost during the pending of the appeal under the guidelines set forth in 20-4-204. The teacher may appeal a decision to terminate an employment contract to the county superintendent if the teacher's employment is not covered by a collective bargaining agreement pursuant to Title 39, chapter 31. If the employment of the teacher is covered by a collective bargaining agreement, a tenure teacher shall appeal a decision to terminate an employment contact to an arbitrator."~~

Renumber: subsequent sections

22. Page 6, line 27.

Strike: "or" through "20-4-204"

Insert: "who is transferred to a teaching position under this section must be offered the next comparable administrative position for which the tenure teacher is endorsed that becomes available in the district"

23. Page 7, line 1.

Strike: ", 20-4-204,"

24. Page 7, line 3.

Following: "county."

Insert: "Only a county superintendent who possesses the qualifications of 20-3-201(2) may hear controversies related to teacher termination."

25. Page 7, line 9.

Following: "~~title.~~"

Insert: "When appeals are made under 20-4-204 relating to the termination of services of a tenure teacher or under 20-4-207 relating to the dismissal of a teacher under contract, the county superintendent may appoint a qualified attorney to act as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. Subsequently, either the teacher or trustees may appeal to the district court of the county in which the teacher was employed. The proceedings must be commenced not later than 60 days after the date of the decision of the county superintendent."

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26. Page 7, line 25.

Strike: "The"

Insert: "Except for teacher termination cases, the"

27. Page 7, line 27.

Following: "instruction."

Insert: "In teacher termination cases, an appeal may be filed with the district court of the county in which the teacher was employed no later than 60 days after the date of the decision of the county superintendent. If an appeal is filed, the county superintendent shall provide a transcript of the hearing and any other documents entered as testimony at the hearing to the district court."

28. Page 8, lines 1 through 13.

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

29. Page 8, lines 19 and 20.

Strike: "-- applicability"

Following: "1997" on line 19

Strike: remainder of line 19 through "year" on line 20

And, as amended, do pass. Report adopted.

HB 246, introduced bill, be amended as follows:

2/18/97

1. Page 1, line 12.

Following: "instruction"

Insert: "has the supervision of the public schools and districts of the state with respect to the specific duties set forth in this section and"

2. Page 3, line 23.

Following: "superintendent"

Insert: "has the supervision of the schools of the county within the limitations prescribed by this title with respect to the specific duties set forth in this section and"

And, as amended, do pass. Report adopted.

HB 487, introduced bill, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

2/18/97

HB 146, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Following: "HOUR" on line 7

Strike: ", UNEMPLOYMENT INSURANCE, AND WORKERS' COMPENSATION"

2. Title, line 9.

Strike: "39-51-201, 39-51-204,"

Strike: "39-71-401,"

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3. Page 5, line 9 through page 13, line 4.

Strike: sections 2 and 3 in their entirety

Renumber: subsequent sections

4. Page 17, line 3 through page 21, line 9.

Strike: section 5 in its entirety

Renumber: subsequent sections

5. Page 22.

Following: line 28

Insert: "(8) A private employer shall include in the employer's workers' compensation coverage a person placed at the employer's work site as a participant in a public assistance program authorized by Title 53.

(9) The department may enter into an agreement to reimburse a private employer for the premium cost of workers' compensation coverage for a participant of the program who is placed at the employer's work site for job training if the employer has elected coverage as allowed in 39-71-118.

(10) A state agency shall elect workers' compensation coverage as allowed in 39-71-118 for a participant in the program who is placed at the agency's work site for job training.

And, as amended, do pass. Report adopted.

HB 502, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "AND VIDEOTAPES"

2. Page 4, line 28.

Strike: " , or otherwise"

3. Page 17, line 4.

Strike: "serious"

4. Page 20, line 30.

Strike: "and"

5. Page 21, line 2.

Following: "part"

Insert: "; and

(12) the right to voluntarily take necessary medications prior to any hearing pursuant to this part"

6. Page 22, line 21.

Following: "person"

Insert: "having direct knowledge of the facts"

7. Page 23, line 17.

Following: "peace."

Insert: "The respondent's counsel shall meet with the respondent, explain the substance of the petition, and explain the probable course of the proceedings."

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8. Page 26, line 7.

Strike: ", such as"

Insert: "of"

9. Page 26, line 15.

Strike: ", such as"

Insert: "of"

10. Page 26, line 16.

Following: "respondent's"

Insert: "relevant"

11. Page 27, line 8.

Strike: ", such as"

Insert: "of"

12. Page 27, line 14.

Strike: "behavior"

Insert: "recent acts, omissions, or behaviors"

Strike: "creates"

Insert: "create"

13. Page 27, line 20.

Strike: ", such as"

Insert: "of"

14. Page 27, line 21.

Following: "respondent's"

Insert: "relevant"

15. Page 35, line 2.

Strike: "serious"

16. Page 37, line 22.

Strike: "and videotapes"

17. Page 37, line 23.

Strike: "or videotaped"

18. Page 37, lines 24 and 29.

Strike: "or videotapes"

19. Page 37, line 27.

Following: "staff"

Insert: "and when it is determined that the person is a self-threat or self-danger or a threat or danger to others at the time that the person left the facility"

And, as amended, do pass. Report adopted.

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JUDICIARY (Clark, Chairman):

2/18/97

HB 231, introduced bill, be amended as follows:

1. Title, line 16.

Strike: "COURT-ORDERED"

Insert: "COURT-SANCTIONED"

2. Title, line 21.

Following: "40-4-109,"

Insert: "40-4-110,"

3. Page 4, line 1.

Strike: "court-sponsored"

Insert: "court-sanctioned"

4. Page 8.

Following: line 25

Insert: "Section 9. Section 40-4-110, MCA, is amended to read: "40-4-110. Costs -- ~~attorney's~~ professional fees.

(1) The court from time to time, after considering the financial resources of both parties, may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under chapters 1 and 4 ~~of this title~~ and for ~~attorney's~~ professional fees, including sums for legal and professional services rendered and costs incurred prior to the commencement of the proceeding or after entry of judgment. The court may order that the amount be paid directly to the ~~attorney~~ professional, who may enforce the order in ~~his~~ the professional's name.

(2) The purpose of this section is to ensure that both parties have timely and equitable access to marital financial resources for costs incurred before, during, and after a proceeding under chapters 1 and 4."

Renumber: subsequent sections

5. Page 9, line 16.

Strike: "must"

Insert: "may"

6. Page 9, line 17.

Strike: "19"

Insert: "20"

7. Page 12, line 17.

Following: "support"

Insert: "obligation"

Following: "paid"

Insert: ", without need for further court order:

(i) to the person with whom the child resides by legal order;

(ii) if the person with whom the child legally resides voluntarily or involuntarily relinquishes physical care and control of the child to another person, organization, or agency, to the person, organization, or agency to whom physical custody has been relinquished;

(iii) if any other person, organization, or agency is entitled by law, assignment, or similar reason to receive or collect the child support obligation, to the person, organization, or agency having the right to receive or collect the payment; or

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(iv) to the court for the benefit of the minor child"

8. Page 12, line 25.

Strike: "pursuant to the child support guidelines adopted under 40-5-209"

9. Page 13, line 26.

Strike: "authority"

10. Page 14, line 14.

Strike: "authority over"

Insert: "of"

11. Page 14, line 18.

Strike: "authority"

12. Page 14, line 20.

Strike: "authority"

Insert: "of the child"

13. Page 14, line 24.

Strike: "authority"

14. Page 14, line 26.

Strike: "authority"

15. Page 15, line 5.

Strike: "interests"

Insert: "interest"

16. Page 15, line 6.

Strike: "interests"

Insert: "interest"

17. Page 15, line 7.

Following: "factors,"

Strike: "including"

Insert: "which may include"

Following: "but"

Insert: "are"

18. Page 16, line 28.

Following: "adopted."

Insert: "A child support delinquency existing at the time that an interim parenting plan is vacated remains a judgment subject to collection."

19. Page 16, line 30.

Following: "vacated."

Insert: "A child support delinquency existing at the time that an interim parenting plan is vacated remains a judgment subject to collection."

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20. Page 17, line 1.

Strike: "19"

Insert: "20"

21. Page 17, line 2.

Following: "section."

Insert: "A child support delinquency existing at the time that an interim parenting plan is vacated remains a judgment subject to collection."

22. Page 17, line 20.

Following: "recipient of"

Strike: "aid to families with dependent children"

Insert: "cash assistance under the temporary assistance for needy families block grant"

23. Page 17, line 30.

Strike: "40-4-303"

Insert: "40-4-301"

24. Page 18, line 24.

Following: "child"

Strike: "of a marriage"

25. Page 18, line 30.

Strike: "19"

Insert: "20"

26. Page 19, line 1.

Strike: "19"

Insert: "20"

27. Page 19, line 7.

Following: "which"

Strike: "must"

Insert: "may"

28. Page 19, line 11.

Strike: "including"

Insert: "which may include"

29. Page 19, line 13.

Following: "care"

Insert: ", development,"

30. Page 19, line 14.

Following: "supervision,"

Insert: "spiritual growth and development,"

31. Page 19, line 17.

Strike: "interests"

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Insert: "interest"

32. Page 19, line 18.

Following: "(d)"

Strike: remainder of line 18 through "relationships"

Insert: "ensuring the interactions and interrelationship of the child with the child's parents and siblings and with any other person who significantly affects the child's best interest"

33. Page 19, line 21.

Following: "plan"

Strike: "must"

Insert: "may"

34. Page 19, line 30.

Following: "needs;"

Strike: "and"

35. Page 20, line 1.

Following: "child"

Strike: "."

Insert: ";

36. Page 20, line 16.

Strike: "(4)"

Insert: "(3)"

Renumber: subsequent subsections

37. Page 20, line 2.

Strike: line 2 in its entirety

38. Page 20, line 3.

Strike: "(a) provisions for"

Insert: "(f)"

39. Page 20, line 6.

Strike: "(b)"

Insert: "(g)"

40. Page 20, line 8.

Strike: "(c)"

Insert: "(h)"

41. Page 20, line 10.

Strike: "religious upbringing"

Insert: "spiritual development"

42. Page 20, line 11.

Following: "care"

Insert: "and physical growth"

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43. Page 20, line 12.

Strike: "(d)"

Insert: "(i)"

44. Page 20, line 14.

Strike: "(e) other provisions applicable to"

Insert: "(j)"

45. Page 20, lines 20 and 21.

Following: "parent" on line 20

Insert: ", "

Strike: ", regardless" on line 20 through "plan," on line 21

46. Page 20.

Following: line 26

Insert: "(6) The court may order that the parenting plan be sealed if privacy of the plan is necessary to protect the best interest of the child."

47. Page 21, line 27.

Strike: "19"

Insert: "20"

48. Page 21, line 30.

Following: "parent,"

Strike: "as defined in 40-4-219(1)(e),"

49. Page 23, lines 21 through 23.

Following: "parent," on line 21

Strike: remainder of line 21 through "contact" on line 23

50. Page 27, line 7.

Strike: "Court-ordered"

Insert: "Court-sanctioned"

51. Page 27, line 12.

Strike: "court-sponsored"

Insert: "court-sanctioned"

52. Page 27, line 19.

Strike: "court-sponsored"

Insert: "court-sanctioned"

53. Page 27, line 21.

Following: "25-1-201(9)."

Insert: "Costs may include parenting evaluation and guardian ad litem services."

54. Page 31, line 22.

Strike: "19"

Insert: "20"

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55. Page 32, line 14.

Strike: "18 and"

Following: "19"

Insert: "and 20"

56. Page 32, line 16.

Strike: "18 and"

Following: "19"

Insert: "and 20"

57. Page 32, line 17.

Strike: "34"

Insert: "35"

58. Page 32, line 18.

Strike: "34"

Insert: "35"

59. Page 32, line 29.

Following: "1997"

Insert: ", including proceedings regarding modification of orders or decrees existing on October 1, 1997"

And, as amended, do pass. Report adopted.

HB 365, introduced bill, do pass. Report adopted.

HJR 19, introduced bill, be amended as follows:

2/17/97

1. Page 1, line 25.

Following: "Counties"

Insert: "and current state and local building codes"

2. Page 1, line 26.

Following: "state"

Insert: ", local,"

Following: "law"

Strike: ", "

Insert: "and"

Following: "regulations,"

Insert: "current state and local building codes,"

3. Page 1, line 29.

Following: "standards"

Insert: "and current state and local building codes"

Following: "those"

Insert: "codes and"

4. Page 2, line 4.

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Following: "offenders"

Insert: "and that complies with current state and local building codes"

5. Page 2, line 9.

Following: "include"

Insert: "a complete set of proposed minimum standards and"

Strike: ", if any"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):

2/17/97

HB 315, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/17/97

HB 293, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: "Except" through "2,"

Insert: "The state or"

2. Page 2, line 4.

Following: "disclosed"

Insert: "within 30 days in writing"

Strike: "in writing within 30 days"

3. Page 2, lines 15 and 16.

Strike: "and must include all information requested on the department form"

Insert: "that requires submittal of the following information:

(a) the date of discovery of the violation;

(b) the name and location of the regulated entity;

(c) identification of the law or rule violated;

(d) a description of the conditions relating to or affecting the violation;

(e) compliance efforts made to correct or eliminate the violation;

(f) recommendations for additional compliance efforts, if necessary, to correct or eliminate the violation;
and

(g) recommendations necessary to prevent reoccurrence of the violation"

4. Page 2, lines 17 and 18.

Following: "The"

Insert: "form submitted to the department in subsection (1) is public information, but the"

Following: "request"

Strike: "an"

Insert: "the"

Following: "audit."

Strike: "Information" through "an" on line 18

Insert: "The"

5. Page 2, line 18.

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Following: "audit"

Insert: "report and its relevant underlying data"

6. Page 2, line 30.

Strike: "6"

Insert: "5"

Following: "apply"

Insert: "to a violation"

7. Page 3, line 2.

Strike: "violated" through "permit" on line 3

Insert: "committed the violation"

8. Page 3, line 4.

Strike: "established a pattern of"

Strike: "violating an"

Insert: "violated a specific state or federal"

9. Page 3, line 7.

Following: the second "the"

Strike: "violations"

Insert: "violation"

Strike: "the negotiated"

Insert: "any"

10. Page 3, line 8.

Strike: "described in"

Insert: "negotiated pursuant to"

Strike: "sections 1 through 6"

Insert: "section 4"

11. Page 3, line 12.

Strike: "agency specifically"

Insert: "law or formally adopted federal agency rule"

12. Page 3, line 13

Strike: "environmental audits"

Insert: "[sections 1 through 6]"

13. Page 3, line 15.

Following: "caused"

Insert: "actual"

And, as amended, do pass. Report adopted.

HB 395, introduced bill, be amended as follows:

2/18/97

1. Page 3, line 13.

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Following: "actions"

Insert: "for injunctive relief"

2. Page 3, line 15.

Following: "County."

Insert: "Legal actions for review of penalty orders or for recovery of penalties must be brought in the district court in the first judicial district, Lewis and Clark County."

And, as amended, do pass. Report adopted.

HB 437, introduced bill, be amended as follows:

2/15/97

1. Title, line 7.

Strike: "PROVIDING"

Insert: "REVISING"

2. Page 3, line 10.

Following: "materials"

Strike: ", "

Insert: "or, except as provided in 82-4-310, that knowingly allows other persons to engage in mining activities on land owned or controlled by the person, firm, or corporation;"

3. Page 3, line 12.

Following: "(2)"

Strike: ", "

Insert: "or a permit that meets the criteria of subsection (15)(c);"

4. Page 3.

Following: line 28

Insert: "(c) A small miner may hold an operating permit that allows disturbance of 100 acres or less. The permit may be amended to add new disturbance areas, but the total area permitted for disturbance may not exceed 100 acres at any time."

5. Page 7, line 16.

Strike: "sample collectors and recreational miners"

Insert: "scale and type of activity"

Following: "."

Insert: "(1)"

6. Page 7, lines 17 through 19.

Following: "engaged in"

Strike: "recreational" on line 17 through "who" on line 19

Insert: "mining activities if that person"

7. Page 7, line 20.

Strike: "(1)"

Insert: "(a)"

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Following: "motorized"

Insert: "excavating"

Renumber: subsequent subsections

8. Page 7, line 22.

Strike: "and"

Insert: "(d) leave unreclaimed sites that are less than 1 mile apart;"

9. Page 7, line 23.

Following: "diameter"

Insert: "; or

(f) operate a suction dredge beyond the area of the stream bed that is naturally under water at the time of operation"

10. Page 7.

Following: line 23

Insert: "(2) This part does not apply to a person who, on land owned or controlled by that person, allows other persons to engage in mining activities if those activities cumulatively meet the requirements of subsection (1)."

And, as amended, do pass. Report adopted.

HB 486, introduced bill, do pass. Report adopted.

2/17/97

HB 506, introduced bill, be amended as follows:

1. Page 3, line 15.

Strike: "applies only"

Insert: "does not apply"

Strike: "on or after"

Insert: "before"

And, as amended, do pass. Report adopted.

HB 507, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "SECTIONS 85-2-316 AND"

Insert: "SECTION"

2. Pages 1 through 5.

Strike: section 1 in its entirety.

Renumber: subsequent sections

3. Page 6, line 3.

Strike: "and related administrative orders"

4. Page 6, line 5.

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Strike: "the department as of [the effective date of this act]"

Insert: "administrative order dated December 15, 1978,"

Following: "perfected"

Insert: ", or until those reservations are revoked pursuant to 85-2-316"

5. Page 6, lines 6 through 8.

Strike: From "Between" on line 6 through "reservants." on line 8

And, as amended, do pass. Report adopted.

HB 529, introduced bill, do pass. Report adopted.

2/18/97

STATE ADMINISTRATION (Denny, Chairman):

2/18/97

HB 121, introduced bill, do pass. Report adopted.

HB 142, introduced bill, be amended as follows:

1. Page 5, line 27.

Strike: "1.40%"

Insert: "3.1%"

2. Page 6, line 2.

Strike: "2043"

Insert: "2027"

And, as amended, do pass. Report adopted.

HB 173, introduced bill, be amended as follows:

1. Page 2, line 20.

Strike: "29.61%"

Insert: "29.02%"

2. Page 4, line 12.

Strike: "31.96%"

Insert: "31.02%"

3. Page 6.

Following: line 19

Insert: "(2) If House Bill No. 430 is passed and approved, then the following sections of [this act] are void:

(a) [section 4], amending 19-13-604;

(b) [section 5], amending 19-13-1007;

(c) [section 6], amending 19-18-606; and

(d) [section 7], repealing 19-13-615, 19-13-1006, and 19- 13-1009."

And, as amended, do pass. Report adopted.

HB 174, introduced bill, be amended as follows:

2/17/97

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1. Page 3, line 6.

Following: "."

Insert: "and"

2. Page 3, lines 7 and 8.

Following: "(i)" on line 7

Strike: the remainder of line 7 through "commission" on line 8

Insert: "drill instructors employed by the department of corrections"

And, as amended, do pass. Report adopted.

HB 394, introduced bill, be amended as follows:

2/18/97

1. Page 1, line 13.

Following: "lobbying required --"

Insert: "restrictions --"

2. Page 1, line 16.

Following: "governor"

Insert: "or other appropriate elected state officer"

3. Page 1, line 18.

Following: "(2)"

Insert: "(a)"

4. Page 1, line 19.

Strike: "(a)"

Insert: "(i)"

5. Page 1, line 20.

Strike: "(i)"

Insert: "(A)"

6. Page 1, line 21.

Strike: "(ii)"

Insert: "(B)"

7. Page 1, line 22.

Strike: "(iii)"

Insert: "(C)"

8. Page 1, line 23.

Strike: "(b)"

Insert: "(ii)"

9. Page 1, line 24.

Strike: "(c)"

Insert: "(iii)"

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10. Page 1, line 26.

Strike: "(d)"

Insert: "(iv)"

Strike: "(2)(c)"

Insert: "(2)(a)(iii)"

11. Page 1, line 28.

Strike: "(e)"

Insert: "(v)"

Following: "."

Insert: "(b) The notice and information under subsection (2)(a) may be supplemented upon completion of a lobbying activity."

12. Page 2, line 2.

Strike: "(2)(e)"

Insert: "(2)(a)(v)"

Following: "."

Insert: "Unless licensed pursuant to 5-7-103, a state employee may not use state time, equipment, supplies, or facilities to support or oppose state or federal legislation or urge others to support or oppose state or federal legislation."

13. Page 2, line 10.

Following: "legislature"

Insert: ", the judiciary,"

14. Page 2, line 25.

Strike: "less than"

Following: "\$1,000"

Insert: "or more"

And, as amended, do pass. Report adopted.

HB 460, introduced bill, be amended as follows:

2/17/97

1. Title, line 4.

Strike: "NATIONAL"

2. Title, lines 5 through 8.

Strike: "REQUIRING" on line 5 through "INFORMATION;" on line 8

3. Page 1, line 24.

Strike: "(a)"

Strike: "national"

4. Page 1, lines 27 through 30 and page 2, lines 1 through 4.

Strike: "(b)" on line 27 through "agency." on page 2, line 4

5. Page 2, line 11.

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Strike: "toll-free"

6. Page 2, lines 22 and 23.

Following: "report" on line 22

Strike: "and" on line 22 through "report" on line 23

And, as amended, do pass. Report adopted.

HB 468, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Strike: "LIMITING" on line 8 through "SYSTEM;" on line 9

2. Page 2, lines 6 and 7.

Following: "(4)" on line 6

Strike: the remainder of line 6 through "system" on line 7

Insert: "In accordance with 2-17-501, the secretary of state shall cooperate with the department of administration in the development of any electronic filing system"

3. Page 3, lines 21 through 23.

Strike: section 4 in its entirety

HB 469, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "A SINGLE ELECTION" on line 5 through "HELD ONCE" on line 6

Insert: "NO MORE THAN TWO ELECTIONS"

2. Title, line 6.

Following: "YEAR"

Strike: "ON THE REGULAR SCHOOL ELECTION DAY"

3. Page 4, line 2.

Strike: "once"

Insert: "twice"

4. Page 4, lines 2 and 3.

Strike: "on the regular school" on line 2 through "election day" on line 3

And, as amended, do pass. Report adopted.

HB 496, introduced bill, be amended as follows:

2/18/97

1. Title, line 5.

Following: "TO"

Insert: "NOT"

And, as amended, do pass. Report adopted.

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HB 501, introduced bill, do pass. Report adopted. 2/17/97

HB 521, introduced bill, do pass. Report adopted.

HB 568, introduced bill, do pass. Report adopted. 2/18/97

HJR 22, introduced bill, do pass. Report adopted.

SB 76, be concurred in. Report adopted.

TAXATION (Hibbard, Chairman): 2/18/97

HB 434, introduced bill, be amended as follows:

1. Page 2, line 24.

Following: the first "organization"

Insert: ", "

Following: "or"

Strike: ", "

2. Page 3, line 5.

Strike: "an"

Insert: "a Montana incorporated or established"

3. Page 3, line 7.

Strike: "(i)"

4. Page 3, line 8.

Strike: "(ii)"

Insert: "(b)"

5. Page 3, lines 9 through 11.

Strike: "; and" on line 9 through "rule" on line 11

6. Page 3, line 15.

Following: "amount of the"

Insert: "charitable"

7. Page 3, line 16.

Strike: "fund"

Following: "that"

Insert: "may"

8. Page 3, line 20.

Following: "included the"

Insert: "full amount of the"

Following: "contribution"

Insert: "upon which the amount of the credit was computed"

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9. Page 3, line 25.

Following: "credit"

Insert: "in an amount equal to 50% of a charitable gift"

10. Page 3, lines 26 and 27.

Strike: "The credit must be in accordance with the provisions of [section 2]."

11. Page 3, line 29.

Following: "liability."

Insert: "The credit allowed under this section may not be claimed by a corporation if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-31-114."

12. Page 4, line 6.

Following: "section"

Strike: "2"

Insert: "3"

13. Page 4, line 11.

Following: "2"

Insert: "(2)"

14. Page 4, line 16.

Strike: "general endowment fund of a"

15. Page 4, line 17.

Following: "2]"

Insert: "if the contribution is a planned gift or in [section 3] if the contribution is an outright gift to a qualified endowment"

16. Page 4, line 20.

Following: "2"

Insert: "(2)"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman):

2/18/97

HB 363, introduced bill, do pass. Report adopted.

HB 423, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "zone"

Insert: "-- notice"

Following: "."

Insert: "(1)"

2. Page 1, line 20.

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Insert: "(2) When a highway work zone is created, the department of transportation, a local authority, a utility company, or a private contractor shall post signs to give motorists notice of the provisions of [sections 3 and 4]."

3. Page 1, line 23.

Strike: "evades"

Insert: "ignores"

And, as amended, do pass. Report adopted.

HB 444, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

Strike: "A" on line 4 through "MOTORCYCLE" on line 5

Insert: "CERTAIN PROPERTY SUBJECT TO A FEE IN LIEU OF TAX"

2. Title, line 7.

Following: "SECTIONS"

Insert: "23-2-517, 23-2-615.1, 23-2-803,"

Strike: the first "AND"

Following: "61-3-527,"

Insert: "AND 67-3-206,"

3. Page 1.

Following: line 11

Insert: "Section 4. Section 23-2-517, MCA, is amended to read: '23-2-517. Fees for motorboats, sailboats, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons. (1) The owner of a motorboat 10 feet in length or longer or a sailboat 12 feet in length or longer shall pay a fee based on the length and age of the motorboat or sailboat as follows:

(a) The fee schedule for a motorboat at least 10 feet in length but less than 14 feet in length or sailboat at least 12 feet in length but less than 14 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, \$7.50;

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$5.65; and

(iii) for a motorboat or sailboat 10 years of age or older, \$3.75.

(b) The fee schedule for a motorboat or sailboat at least 14 feet in length but less than 16 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, \$15;

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$11.25; and

(iii) for a motorboat or sailboat 10 years of age or older, \$7.50.

(c) The fee schedule for a motorboat or sailboat at least 16 feet in length but less than 17 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, \$32;

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$24; and

(iii) for a motorboat or sailboat 10 years of age or older, \$16.

(d) The fee schedule for a motorboat or sailboat at least 17 feet in length but less than 19 feet in length is as follows:

(i) for a motorboat or sailboat less than 5 years of age, \$3 a foot or fraction of a foot;

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$2.25 a foot or

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fraction of a foot; and

(iii) for a motorboat or sailboat 10 years of age or older, \$1.50 a foot or fraction of a foot.

(e) The fee schedule for a motorboat or sailboat 19 feet in length or longer is as follows:

(i) for a motorboat or sailboat less than 5 years of age, \$4 a foot or fraction of a foot;

(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$3 a foot or fraction of a foot; and

(iii) for a motorboat or sailboat 10 years of age or older, \$2 a foot or fraction of a foot.

(2) The owner of a personal watercraft shall pay a fee based on the age of the watercraft as follows:

(a) The fee for a personal watercraft less than 4 years of age is \$22.

(b) The fee for a personal watercraft 4 years of age or older is \$15.

(3) (a) Except as provided in subsection (3)(b), the age of a motorboat, sailboat, or personal watercraft is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motorboat, sailboat, or personal watercraft precedes the designated model year of the motorboat, sailboat, or personal watercraft, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

~~(3)(4)~~ The fee for a motorized canoe, a canoe or kayak propelled by wind, or a motorized rubber raft is \$7.50, regardless of its length or age.

~~(4)(5)~~ The fee for a motorized pontoon is \$20, regardless of its length or age."

Section 5. Section 23-2-615.1, MCA, is amended to read: "23-2-615.1. Fee in lieu of tax on snowmobiles.

(1) There is a fee in lieu of tax on snowmobiles.

(2) The fee for a snowmobile less than 4 years old is \$22. In all other cases the fee is \$15.

(3) (a) The Except as provided in subsection (3)(b), the age of a snowmobile is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a snowmobile precedes the designated model year of the snowmobile, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(4) The fee need not be paid by a dealer for snowmobiles that constitute inventory of the dealership."

Section 6. Section 23-2-803, MCA, is amended to read: "23-2-803. Fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees. (1) There is a fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides.

(a) The fee for an off-highway vehicle less than 3 years old is \$19. In all other cases the fee is \$9.

(b) The Except as provided in subsection (1)(c), the age of an off-highway vehicle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(c) If the purchase year of an off-highway vehicle precedes the designated model year of the off-highway vehicle, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(2) (a) Except as provided in subsection (2)(b), the county treasurer shall distribute all fees in lieu of tax collected on off-highway vehicles pursuant to this section in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed.

(b) The county treasurer shall remit \$1 of the fee in lieu of tax collected on an off-highway vehicle to the department of agriculture for deposit in the noxious weed management trust fund provided for in 80-7-811."

Renumber: subsequent sections

7. Page 3.

Following: line 7

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Insert: "Section 7. Section 67-3-206, MCA, is amended to read: "67-3-206. Schedule of fees in lieu of tax for aircraft. (1) The appropriate fee in lieu of tax imposed on aircraft is based on the age and type of aircraft and must be determined from the following schedule:

YEARS				
0 - 5	6 - 10	11 - 20	21 - 30	31 - 40
Single engine, fixed gear, 200 horsepower and under				
\$ 300	\$ 175	\$100	\$ 50	\$ 25
Single engine, fixed gear, over 200 horsepower				
500	250	150	75	50
Single engine, retractable gear, 200 horsepower and under				
600	300	175	100	75
Single engine, retractable gear, over 200 horsepower				
700	400	200	125	100
Multi-engine, piston engine				
800	500	250	175	150
Helicopter, piston engine				
700	450	225	150	125
Single engine jet helicopter, prop jet				
1,500	700	450	300	175
Multi-engine jet helicopter, prop jet				
2,000	1,000	600	400	200
Jet engine, no propeller				
3,000	1,500	800	500	250

(2) (a) Except as provided in subsection (2)(b), the age of an aircraft is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of an aircraft precedes the designated model year of the aircraft, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(2)(3) The fee in lieu of tax imposed on any glider, ultralight, gyrocopter, balloon, homebuilt aircraft, antiques, or any aircraft over 40 years old is \$20."

NEW SECTION. Section 8. Coordination instruction. If Senate Bill No. 26 is passed and approved, then [section 10] of Senate Bill No. 26, second reading, second house, relating to the fee schedule for trailers having a declared weight of less than 26,000 pounds, must read as follows:

"NEW SECTION. Section 10. Schedule of fees for trailers -- exception. (1) Except as provided in subsection (4), the owner of a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds shall pay the fee imposed pursuant to 61-3-521. The fee is based on the age and declared weight of the trailer or semitrailer according to the following schedule:

	Age (in years)	Declared Weight (in pounds)	
	0-6,000	6,001-16,000	16,001-25,999
Less than 5 years old	\$16	\$55	\$74
5 years old and less			
than 10 years old	11	32	41
10 years old and older	6	17	23

(2) (a) Except as provided in subsection (2)(b), the age of a trailer, pole trailer, or semitrailer is determined by subtracting the manufacturer's designated model year from the current calendar year. For trailers, pole trailers, and semitrailers that do not have a designated model year, the department shall determine a year of manufacture.

(b) If the purchase year of a trailer, pole trailer, or semitrailer precedes the designated model year of the trailer, pole trailer, or semitrailer, then the purchase year is considered the model year for the purposes

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of calculating the fee in lieu of tax.

(3) The declared weight is the total unladen weight of the trailer, pole trailer, or semitrailer plus the maximum load declared by the owner to be carried on the trailer, pole trailer, or semitrailer.

(4) This section does not apply to a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds and that is registered through a proportional registration agreement under 61-3-721."

Renumber: subsequent section

8. Page 3, line 9.

Strike: "January 1, 1998"

Insert: "July 1, 1997"

9. Page 3, line 10.

Strike: "motor" through "motorcycles"

Insert: "property subject to a fee in lieu of tax"

Strike: "December 31"

Insert: "June 30"

And, as amended, do pass. Report adopted.

HB 464, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/17/97

SB 112, introduced by Van Valkenburg
SB 155, introduced by Hertel
SB 181, introduced by Hargrove
SB 201, introduced by Glaser
SB 214, introduced by Eck
SB 226, introduced by Doherty
SB 233, introduced by DePratu
SB 239, introduced by Beck
SB 240, introduced by Beck
SB 244, introduced by Toews
SB 245, introduced by Devlin
SB 246, introduced by Beck
SB 251, introduced by Stang
SB 252, introduced by Lynch
SB 264, introduced by Miller
SB 265, introduced by Thomas
SB 271, introduced by Jenkins
SB 273, introduced by Nelson
SB 275, introduced by Miller
SB 276, introduced by Miller
SB 288, introduced by Van Valkenburg
SB 309, introduced by Mahlum

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House bills concurred in and returned to the House:

2/17/97

HB 24, introduced by Hagener
HB 32, introduced by Peck
HB 36, introduced by Ewer
HB 59, introduced by R. Johnson
HB 81, introduced by Devaney
HB 87, introduced by M. Hanson
HB 88, introduced by M. Hanson
HB 96, introduced by R. Johnson
HB 132, introduced by Knox

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/17/97

HB 189, introduced by Barnett

Senate bills passed and transmitted to the House for concurrence:

2/17/97

SJR 5, introduced by Aklestad
SJR 9, introduced by Stang

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bankhead in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 511 - Representative Galvin moved consideration of HB 511 be passed for the day. Motion carried.

HB 7 - Representative Bergsagel moved HB 7 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 95

Noes: Adams, Gillan, Jore, Prouse.

Total 4

Excused: None.

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Total 0

Absent or not voting: Mr. Speaker.

Total 1

HB 354 - Representative Cobb moved HB 354 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Ohs.

Total 2

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

HB 436 - Representative Dowell moved HB 436 do pass. Motion failed as follows:

Ayes: Barnhart, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 46

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McGee, Mills, Molnar, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 491 - Representative Rehbein moved HB 491 do pass.

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Representative Rehbein moved consideration of HB 491 be passed for the day. Motion carried.

HB 538 - Representative Keenan moved HB 538 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Hurdle, Jore.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 23 - Representative Tropila moved HJR 23 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Jore, McGee, Prouse, Wells.
Total 4

Excused: None.
Total 0

Absent or not voting: Ellis.
Total 1

HB 426 - Representative Kottel moved HB 426 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan,

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Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Adams, Arnott, Bergsagel, Boharski, Curtiss, Jore, Keenan, McGee, Orr, Rehbein, Vick, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

HB 479 - Representative Tuss moved HB 479 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 92

Noes: Hayne, Jore, Kasten, Rehbein, Story, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Kottel, Mr. Speaker.

Total 2

HB 495 - Representative Mills moved HB 495 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

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Noes: Barnhart, Hurdle.
Total 2

Excused: None.
Total 0

Absent or not voting: Heavy Runner, Ryan.
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bankhead moved that the Committee of the Whole report be adopted. Report adopted. (93-5)

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 577, introduced by Molnar, Cocchiarella, Simpkins, (by request of the House Judiciary Committee) referred to Committee on Judiciary.

HB 578, introduced by R. Johnson, referred to Committee on Appropriations.

HB 579, introduced by Kitzenberg, Denny, Grinde, referred to Committee on State Administration.

HB 580, introduced by McCann, Bergsagel, Cobb, Peck, Barnhart, (by request of the House Appropriations Committee) referred to Committee on Appropriations.

HB 581, introduced by Carey, Sands, McCulloch, Squires, Ellingson, referred to Committee on Taxation.

HB 582, introduced by Grimes, Swanson, referred to Committee on Human Services.

HJR 26, introduced by Curtiss, Ellis, Brainard, Denny, Hayne, Beaudry, DeBruycker, Bitney, Stovall, Mills, Orr, Ohs, Mood, Bankhead, Bohlinger, Rehbein, McGee, Grinde, (by request of the House State-Federal Relations Committee) referred to Committee on State/Federal Relations.

HJR 27, introduced by Anderson, Tash, Grinde, Sliter, Ahner, Knox, Ohs, Grosfield, Cole, Taylor, M. Hanson, Swysgood, Barnett, Beck, Hayne, Jenkins, Rose, Stang, Masolo, Nelson, Mesaros, Devlin, Hargrove, Harp (by request of the House Committee on Agriculture, Livestock, and Irrigation) referred to Committee on Agriculture.

HJR 28, introduced by Curtiss, Mood, McGee, Wagner, Orr, (by request of the House Judiciary Committee) referred to Committee on Judiciary.

HB 504, referred to Committee on Business & Labor.

HB 512, referred to Committee on Business & Labor.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 74 passed as follows:

Ayes: Ahner, Bankhead, Barnett, Beaudry, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands,

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Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt, Zook.

Total 66

Noes: Adams, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Cobb, DeBruycker, Devaney, Feland, Grinde, H.S. Hanson, Holland, R. Johnson, Jore, Kasten, Keenan, McCann, McGee, Molnar, Orr, Peck, Prouse, Rehbein, Sliter, Story, Taylor, Trexler, Vick, Wagner, Wiseman, Mr. Speaker.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 185 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Keenan.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 195 passed as follows:

Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Zook, Mr. Speaker.

Total 82

Noes: Arnott, Bankhead, Barnhart, Bergsagel, Boharski, Cobb, R. Johnson, Jore, Masolo, Molnar, Orr, Prouse,

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Sliter, Vick, Wagner, Wells, Wyatt.

Total 17

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

HB 222 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Carey, Denny, Ellingson, Ewer, Harper, Hurdle, McCulloch, Molnar, Pease, Ream, Sands, Whitehead.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 241 passed as follows:

Ayes: Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 69

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Bookout, Curtiss, Denny, Feland, Hayne, Hibbard, Holland, R. Johnson, Jore, Keenan, Molnar, Ohs, Orr, Prouse, Rehbein, Sliter, Smith, Taylor, Vick, Wagner, Walters, Wells, Mr. Speaker.

Total 31

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 278 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 89

Noes: Adams, Bergsagel, Boharski, Bookout, Brainard, Clark, Denny, Jore, Keenan, Lawson.
Total 10

Excused: None.
Total 0

Absent or not voting: Devaney.
Total 1

HB 292 passed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ahner, Pavlovich.
Total 2

HB 325 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes,

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Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Kottel, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Knox, Krenzler, McCulloch, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 334 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Rehbein, Wells.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 337 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 98

Noes: Bergsagel.

Total 1

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

HB 352 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Boharski, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pease, Quilici, Raney, Ream, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead, Wyatt.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 377 passed as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Ahner, Boharski, Curtiss, Denny, Devaney, Feland, Gillan, Jore, Keenan, Lawson, Masolo, McGee, Orr, Prouse, Rehbein, Story, Vick, Wagner, Wells.

Total 20

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 381 passed as follows:

Ayes: Ahner, Anderson, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, J. Johnson, Kitzenberg, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Adams, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Boharski, Brainard, Cobb, Curtiss, Gillan, H.S. Hanson, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, McCann, Molnar, Orr, Pease, Peck, Sliter, Smith, Trexler, Vick, Wagner.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 383 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Galvin, Hurdle, Prouse.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 384 passed as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Ellingson, Ewer, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kasten, Kottel, Krenzler, Lawson, Ream, Sands, Simpson, Soft, Wiseman.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 388 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grinde, M. Hanson, Holland, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Pavlovich, Peck, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Zook, Mr. Speaker.

Total 55

Noes: Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Galvin, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Mood, Ohs, Pease, Quilici, Raney, Ream, Sands, Schmidt, Simpson, Smith, Soft, Squires, Swanson, Tropila, Tuss, Whitehead, Wiseman, Wyatt.

Total 44

Excused: None.

Total 0

Absent or not voting: Gillan.

Total 1

HB 401 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose,

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Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 407 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Adams, Bergsagel, Boharski, Brainard, DeBruycker, Hayne, Jore, Keenan, McCann, Prouse, Rehbein, Vick.
Total 12

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

HB 411 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Dowell, Ellis, Ewer, Feland, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 66

Noes: Barnhart, Carey, Cobb, Cocchiarella, Devaney, Ellingson, Galvin, Gillan, Grinde, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kasten, Keenan, Kottel, Krenzler, McCulloch, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Schmidt, Simpson, Sliter, Squires, Swanson, Tuss, Whitehead, Wyatt.
Total 34

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 412 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 413 passed as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 79

Noes: Adams, Anderson, Arnott, Bergsagel, Boharski, Brainard, DeBruycker, Jore, Kasten, Keenan, McGee, Molnar, Orr, Prouse, Rehbein, Story, Trexler, Vick, Wagner, Wells.
Total 20

Excused: None.
Total 0

Absent or not voting: Devaney.
Total 1

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HB 421 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Brainard, Jore, Prouse.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 422 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Wiseman.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 431 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore,

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Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Ohs, Ryan.

Total 2

HB 439 passed as follows:

Ayes: Adams, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 66

Noes: Ahner, Anderson, Arnott, Bankhead, Barnett, Bergsagel, Boharski, Curtiss, DeBruycker, Devaney, Grimes, Grinde, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Marshall, McCann, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Story, Vick, Wagner, Zook.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 470 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Adams, Anderson, Arnott, Bankhead, Bergman, M. Hanson, Hayne, Jore, Keenan, Marshall, McGee, Orr,

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Prouse, Rehbein, Story, Taylor, Vick, Wagner, Wells.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 478 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Adams, Brainard, Hurdle, Jore, Kasten, Keenan, Rehbein.

Total 7

Excused: None.

Total 0

Absent or not voting: Kitzenberg.

Total 1

HJR 16 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: Ellingson.

Total 1

HJR 17 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Brainard.

Total 1

HJR 18 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Ewer, Feland, Grady, Hurdle.

Total 4

Excused: None.

Total 0

Absent or not voting: Ryan.

Total 1

HB 268 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Adams, R. Johnson, Jore.
Total 3

Excused: None.
Total 0

Absent or not voting: Tuss.
Total 1

HB 361 passed as follows:

Ayes: Arnott, Barnett, Barnhart, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 64

Noes: Adams, Ahner, Anderson, Bankhead, Beaudry, Bergsagel, Boharski, Brainard, Clark, Curtiss, Devaney, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, McCann, McGee, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Sliter, Tash, Taylor, Vick, Wagner, Wells.
Total 35

Excused: None.
Total 0

Absent or not voting: Peck.
Total 1

HB 368 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 70

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Noes: Adams, Bergsagel, Boharski, Carey, DeBruycker, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, J. Johnson, R. Johnson, Krenzler, Marshall, McCulloch, Pavlovich, Pease, Quilici, Ream, Rose, Ryan, Sands, Soft, Squires, Swanson, Trexler, Tropila, Tuss.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 435 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, Harper, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Squires, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Adams, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Cobb, DeBruycker, Devaney, Grimes, M. Hanson, Harrington, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, McCann, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Soft, Story, Taylor, Vick, Wagner, Wells.

Total 31

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

HB 492 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Boharski, Jore, Keenan.

Total 4

Excused: None.

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Total 0

Absent or not voting: Grady.

Total 1

MOTIONS

HB 388 - Representative Ellis moved he be allowed to change his vote on HB 388, third reading, from nay to aye. Motion carried.

HB 74 - Representative McCann moved he be allowed to change his vote on HB 74, third reading, from aye to nay. Motion carried.

HB 361 - Representative Dowell moved he be allowed to change his vote on HB 361, third reading, from abstain to aye. Motion carried.

HB 222 - Representative Ahner moved she be allowed to change her vote on HB 222, third reading, from nay to aye. Motion carried.

HB 511 - Representative Grinde moved HB 511 be taken from the second reading board and rereferred to the Committee on Appropriations. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, February 19, 1997. Motion carried.

House adjourned at 2:48 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

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THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 19, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Mood. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Bergsagel, excused. Quorum present.

Mr. Speaker introduced Nick Stevens and the Helena area Home School Choir who entertained the House with two musical numbers.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/19/97

Correctly printed for second reading: HJR 19, HJR 22, HB 49, HB 121, HB 142, HB 146, HB 174, HB 246, HB 293, HB 345, HB 363, HB 365, HB 395, HB 423, HB 434, HB 437, HB 444, HB 460, HB 464, HB 468, HB 469, HB 486, HB 487, HB 496, HB 501, HB 502, HB 506, HB 507, HB 521, HB 529, HB 568, HB 394, HB 231, HB 173, SB 76.

Correctly engrossed for third reading: HB 7, HB 354, HB 426, HB 479, HB 495, HB 538, HJR 23.

Correctly enrolled: HB 24, HB 32, HB 36, HB 59, HB 81, HB 87, HB 88, HB 96, HB 132.

Examined by the sponsor and found to be correct: HB 36, HB 81, HB 88, HB 87, HB 96, HB 59, HB 132, HB 24, HB 32.

Signed by the Speaker at 5:30 p.m., February 18, 1997: HB 141, HB 218, HB 73.

AGRICULTURE (Barnett, Chairman):

2/19/97

HB 390, introduced bill, be amended as follows:

1. Title, line 5.

Following: "RIGHTS"

Insert: "BETWEEN OWNERS OF CONTIGUOUS TRACTS ALONG A WATER SOURCE IF A WATER COMMISSIONER HAS BEEN APPOINTED"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 13.

Following: "rights"

Insert: "if : (a) the lands appurtenant to the rights to be pooled are contiguous along the water source; and
(b) a water commissioner has been appointed to admeasure and distribute water from the water source pursuant to chapter 5"

3. Page 2, line 5.

Following: "and"

Insert: "must be"

Following: "filed"

Insert: "by the parties to the agreement"

4. Page 2, line 7.

Following: "commissioner"

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Strike: ", "
Insert: "and"

5. Page 2, lines 7 through 14.

Following: "department"

Strike: the remainder of line 7 through "court" on line 14

Insert: "no later than 30 days before the beginning of the term of the agreement specified in subsection (3)(c)"

6. Page 2, lines 15 through 17.

Following: "filed" on line 15

Strike: the remainder of line 15 through "judge" on line 17

Insert: "in accordance with 85-5-301"

7. Page 2, lines 17 and 18.

Following: "court" on line 17

Strike: the remainder of line 17 through "agreement" on line 18

8. Page 2, lines 20 through 23.

Following: "judge." on line 20

Strike: the remainder of line 20 through "judge." on line 23

9. Page 2, line 26.

Following: "affected."

Insert: "The parties to the agreement have the burden to prove that the objector's rights will not be adversely affected."

10. Page 2, line 29 through page 3, line 1.

Following: "agreement." on page 2, line 29

Strike: the remainder of line 29 through "section." on page 3, line 1

11. Page 3, line 3.

Following: "certificate"

Insert: "or the rights of a water users' association or irrigation district"

12. Page 5, line 27.

Following: line 26

Insert: "NEW SECTION. Section 5. Termination. [This act] terminates October 1, 2002."

And, as amended, do pass. Report adopted.

HB 402, introduced bill, do pass. Report adopted.

HB 489, introduced bill, be amended as follows:

1. Page 2, line 12.

Following: "(A)"

Insert: "at a point clearly visible from each street or road frontage of the property so that the warning is conspicuous from the public right-of-way;

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(B) for an interior application,"
Renumber: subsequent subsections

2. Page 2, lines 13 and 14.
Strike: subsection (B) in its entirety
Renumber: subsequent subsection

3. Page 2, lines 17 and 18.
Following: "Notification" on line 17
Strike: "." through "(A)" on line 18

4. Page 2, line 18.
Following: "for"
Strike: "a" through "ditch"
Insert: "an"
Following: "application"
Insert: "by a mosquito control district or a weed control district"

5. Page 2, line 21.
Strike: "(1)(a)(v)(A)"
Insert: "(1)(a)(v)"
Following: "spring"
Strike: "or" through "before"
Insert: "and periodically during"
Following: "application"
Strike: "."
Insert: "season."

6. Page 2, lines 22 through 24.
Strike: subsection (B) in its entirety

7. Page 2, lines 29 and 30.
Strike: "that" on line 29 through "year" on line 30
Insert: "classified as agricultural land or forest land for taxation purposes;
(D) an application on an irrigation conveyance facility or land or on an irrigation ditch easement or right-of-way"
Renumber: subsequent subsections

8. Page 3, lines 4 and 5.
Strike: subsection (E) in its entirety
Renumber: subsequent subsection

9. Page 3, lines 6 and 7.
Strike: "an" on line 6 through "notification" on line 7
Insert: "an application on a railroad facility or right-of-way;
(G) an application on a public utility facility or right-of-way"

10. Page 3, line 8.
Strike: "80-8-120 must"

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Insert: "this section shall"

11. Page 3.

Following: line 15

Insert: "(c) A unit of local government may not adopt a notification ordinance under this section that imposes additional fee requirements on a commercial applicator."

12. Page 4, line 14.

Strike: "[section 1(1)]"

Insert: "80-8-120"

13. Page 4, line 15.

Strike: "shall be"

Insert: "is"

14. Page 4, line 16.

Strike: "shall"

Insert: "may"

Strike: "less" through "or"

15. Page 4, line 18.

Strike: "shall"

Insert: "may"

Strike: "less" through "or"

And, as amended, do pass. Report adopted.

HJR 27, introduced bill, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

2/18/97

HB 447, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "EMPLOYMENT BY APPRENTICE"

2. Page 1, line 10.

Strike: "Apprentice"

Insert: "Temporary security guard"

Strike: "of apprentices"

3. Page 1, line 11.

Strike: "an"

4. Page 1, line 12.

Strike: "apprentice to a licensed"

Insert: "a temporary"

5. Page 1, line 13.

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Strike: "apprentice"
Insert: "person"
Strike: "licensee"
Insert: "licensed private security guard"

6. Page 1, line 15.
Strike: "apprentice"
Insert: "person"

7. Page 1, line 16.
Strike: "apprentice's"
Insert: "person's"
Strike: "apprentice"
Insert: "person"

8. Page 1, line 17.
Strike: "apprentice"
Insert: "person"

9. Page 1, line 19.
Strike: first "apprentice"
Insert: "person"
Strike: second "apprentice"
Insert: "person to work as a temporary security guard"

10. Page 1, line 21.
Strike: "apprentice"
Insert: "person"

11. Page 1, line 22.
Strike: "an apprentice"
Insert: "a temporary security guard"

12. Page 1, line 23.
Strike: "apprentice"
Insert: "person working as a temporary security guard"

13. Page 1, line 24.
Strike: "apprentice's"
Insert: "person's"

14. Page 1, line 25.
Strike: "an apprentice"
Insert: "a temporary security guard"

15. Page 1, line 26.
Strike: "apprentice"
Insert: "temporary security guard"

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16. Page 2, line 13.

Strike: "apprentices"

Insert: "temporary security guards"

And, as amended, do pass. Report adopted.

HB 532, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "with"

Insert: "the United States department of housing and urban development code and"

2. Page 1, line 23.

Strike: "Declaration of manufactured"

Insert: "Manufactured"

Following: "home"

Insert: "considered"

3. Page 1, line 2424.

Strike: "An owner of a"

Insert: "A"

Strike: "may declare the home as"

Insert: "will be considered for tax purposes"

4. Page 1, line 26.

Following: "removed;"

Insert: "and"

5. Page 1, line 29.

Strike: "; and"

Insert: "."

6. Page 1, line 30 through line 1 on page 2.

Strike: "(c) the owner files" on line 30

Insert: "(2) To eliminate the certificate of ownership of a manufactured home, an owner may file"

Following: "department" on line 30

Insert: "of justice"

Strike: the remainder of line 30 through "property" on page 2

7. Page 2, lines 16 and 17.

Following: "(4)" on line 16

Strike: the remainder of line 16 through "located." on line 17

8. Page 2, lines 18 and 19.

Following: "home" on line 18

Strike: the remainder of line 18 through "and" on line 19

9. Page 2, line 26.

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Strike: "an abstract"

Insert: "a search of the title to the land"

10. Page 3, line 1.

Strike: "of"

Insert: "and the county treasurer in which the home is currently located, of"

11. Page 3, line 2.

Strike: "department"

Insert: "owner"

Strike: "give"

12. Page 3, line 3.

Strike: "permission for the removal"

Insert: "remove the home"

13. Page 3, line 5.

Following: "shall"

Insert: "make a declaration of reversal and"

14. Page 3, lines 7 through 9.

Following: "2."

Strike: the remainder of line 7 through "property." on line 9

15. Page 3, lines 14 and 15.

Following: "property" on line 14

Strike: the remainder of line 14 through "3]" on line 15

16. Page 5, line 22.

Following: "with"

Insert: "the United States department of housing and urban development code and"

17. Page 10, line 9.

Strike: "32"

Insert: "45"

18. Page 10, line.11

Following: "with"

Insert: "the United States department of housing and urban development code and"

19. Page 10, line 25.

Following: "due"

Insert: ", whichever is later"

And, as amended, do pass. Report adopted.

HB 533, introduced bill, do pass. Report adopted.

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FISH, WILDLIFE, & PARKS (Wagner, Chairman):
HB 236, introduced bill, be amended as follows:

2/19/97

1. Title, line 7.
Following: "THAT"
Insert: "CERTAIN"

2. Page 1, line 30.
Strike: "Priority"
Insert: "Except with regard to activities directly related to the historic preservation and protection of state parks,
priority"

3. Page 2, line 4.
Strike: "fencing repairs"
Insert: "fence installation and repair"

4. Page 2, line 7.
Following: "roads,"
Strike: "and"
Following: "docks"
Insert: ", and other existing facilities"

5. Page 2, line 8.
Following: first "facilities"
Strike: "with facilities of the same size and in the same location"

6. Page 2, line 13.
Strike: "and"

7. Page 2, line 15.
Following: "applicable"
Insert: ";
(xiii) planting of native trees, grasses, and shrubs;
(xiv) installation of fire rings, picnic tables, and trash collection facilities; and
(xv) other necessary activities and expenditures consistent with the intent of this subsection (3)(a)"

8. Page 2, line 16.
Strike: "Funds"
Insert: "(i) Except as provided in subsection (3)(b)(ii), funds"

9. Page 2, line 18.
Following: "(2)."
Insert: "(ii) Up to \$10,000 may be expended in a biennium for improvement or development of any state park or
fishing access site without legislative approval, provided the notice provisions of subsection (1) are met."

And, as amended, do pass. Report adopted.

HB 265, introduced bill, be amended as follows:

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1. Title, lines 4 through 11.

Following: second "ACT" on line 4

Strike: remainder of line 4 through "BASIS;" on line 11

2. Title, line 13.

Following: "AMENDING"

Strike: "SECTIONS 87-1-268, 87-2-506, 87-2-702, AND"

Insert: "SECTION"

3. Page 1, line 17 through page 3, line 1.

Strike: sections 1 through 3 in their entirety

Renumber: subsequent section

4. Page 3, line 22.

Following: "years."

Insert: "This subsection does not apply to permits issued pursuant to a landowner preference."

And, as amended, do pass. Report adopted.

HB 387, introduced bill, be amended as follows:

1. Page 1, line 28.

Following: "(c) the"

Insert: "predominant"

2. Page 1, lines 28 and 29.

Following: "stocked" on line 28

Strike: remainder of line 28 through "species" on line 29

3. Page 2, line 1.

Following: "result and"

Insert: "referencing of"

Following: "fishery."

Strike: "and"

4. Page 2, lines 2 through 5.

Strike: lines 2 through 5 in their entirety

Insert: "(f) the source of the fish or eggs; and

(g) the hatcheries in which the fish were or are expected to be raised."

And, as amended, do pass. Report adopted.

HB 547, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "PROPERTY"

Insert: "GAME ANIMAL MEAT"

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2. Title, line 4.

Following: "PROCEEDS"

Insert: ", LESS COSTS,"

3. Title, line 7.

Following: "REPRESENTING"

Insert: "THE"

4. Title, line 8.

Strike: "BANKS"

Insert: "BANK NETWORK"

5. Title, line 9.

Following: "REPRESENTING"

Strike: "FOOD BANKS"

Insert: "THE MONTANA FOOD BANK NETWORK OR PUBLIC OR CHARITABLE INSTITUTIONS"

6. Title, line 10.

Following: "PROCEEDS"

Insert: ", LESS COSTS,"

7. Page 3, line 6.

Strike: "either"

8. Page 3, line 7.

Following: "representing"

Strike: "food banks in this state or"

Insert: "the Montana food bank network, or to public or charitable institutions, to the extent reasonably feasible.
Any meat that the department is unable to donate must be"

9. Page 3, line 8.

Following: "87-1-513"

Insert: "(2)"

10. Page 3, line 16.

Strike: "in the state special revenue fund"

11. Page 3, lines 17 and 18.

Strike: "department" on line 17 through "state" on line 18

Insert: "fish and game fund, except as provided in subsection (2)"

12. Page 3, line 26.

Following: "proceeds"

Insert: ", after the department's cost of conducting the sale is deducted,"

Following: "seized"

Strike: "property"

Insert: "game animal meat must be"

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13. Page 3, line 27.

Strike: "pursuant to subsection (1)"

Insert: "to the credit of the department of public health and human services and"

14. Page 3, line 28.

Strike: "food banks"

Insert: "the Montana food bank network"

And, as amended, do pass. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

2/19/97

HB 129, introduced bill, be amended as follows:

1. Page 8, line 30.

Following: "department"

Insert: "and the social worker, county attorney, or peace officer who conducted the investigation into the circumstances surrounding the allegations of abuse or neglect"

Strike: "its"

Insert: "their"

2. Page 15, lines 8 and 9.

Following: the second "agency" on line 8

Strike: the remainder of line 8 through "delinquent youth" on line 9

3. Page 15, line 11.

Following: "medicaid"

Insert: "home- and"

Strike: "community"

Insert: "community-based"

Following: "services"

Insert: "waiver"

4. Page 15, line 26.

Strike: "An extended family member or a"

Insert: "A"

5. Page 15.

Following: line 28

Insert: "(3) An extended family member, as defined by the department, who provides unlicensed care for a youth who receives services provided through the department's developmental disabilities program, mental health program, or medicaid home- and community-based services waiver program must receive approval in writing from the department."

Renumber: subsequent subsection

6. Page 16, lines 3 and 4.

Strike: "to"

Insert: "of"

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Strike: "persons providing kinship care"

Insert: "kinship or extended family care providers"

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/19/97

HB 323, introduced bill, do pass. Report adopted.

HB 429, introduced bill, be amended as follows:

1. Page 1, line 24.

Strike: "(1)"

2. Page 1, line 26.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

3. Page 2, line 2.

Strike: "(a)"

4. Page 2, line 3.

Strike: "(1)(e)"

Insert: "(5)"

5. Page 2, line 6.

Following: "~~45-8-321;~~"

Insert: "(9) a person issued a permit under 45-8-321, except that the person may not carry a concealed weapon in a court, law enforcement facility, jail, prison, probation office, or parole office;"

Renumber: subsequent subsections

6. Page 2, lines 13 through 20.

Strike: Subsection (2) in its entirety

7. Page 4, line 24.

Following: "shall"

Insert: "attempt to"

And, as amended, do pass. Report adopted.

HJR 28, introduced bill, be amended as follows:

1. Page 2, line 9.

Strike: ", including information from"

Insert: "reported by"

Following: "Sheriffs"

Insert: ", including reported information"

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And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Mills, Chairman):
HB 291, introduced bill, be amended as follows:

2/19/97

1. Title, line 6.

Strike: "VOLUNTARY"

2. Title, line 7.

Strike: "OF A LOCAL GOVERNMENT"

3. Page 2, line 7.

Strike: "volunteer"

Insert: "basic life support ground"

Following: "by"

Insert: "or under contract to"

Strike: "of a"

4. Page 2, line 8.

Strike: "local government"

5. Page 2, line 9.

Following: "aid"

Insert: "who has been certified in American red cross advanced first aid and emergency care, as well as cardiopulmonary resuscitation according to the American heart association standards, and who was a member of a licensed emergency medical service from July 1, 1992, through December 31, 1992"

6. Page 2, line 10.

Strike: "first responder-ambulance"

Insert: "first-responder ambulance person who has complied with department guidelines for attaining that status"

7. Page 2, line 11.

Following: "(c)"

Insert: "an individual who is certified as an emergency medical technician-basic or as"

Following: "equivalent"

Insert: "by the Montana board of medical examiners"

And, as amended, do pass. Report adopted.

HB 369, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "BY A MAJORITY"

2. Title, line 6.

Following: "ANNEXED"

Insert: "UNLESS THERE ARE LESS THAN 300 RECORDED PARCELS IN THE AREA"

Following: "INCREASING"

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Insert: "IN CERTAIN INSTANCES"

3. Title, line 8.

Strike: "A MAJORITY OF"

4. Title, lines 9 and 10.

Strike: "CHANGING" on line 9 through "TOWN;" on line 10

5. Title, line 15.

Strike: "7-2-4504,"

Following: "7-3-4101,"

Insert: "AND"

Strike: "AND 50-60-101,"

6. Page 1, line 21.

Strike: "Land"

Insert: "Except as provided in 7-2-4314(1)(d), land"

Following: "industrial"

Insert: ", railroad,"

7. Page 3, line 5.

Strike: "If"

Insert: "Except as provided in subsection (1)(d), if"

8. Page 3, line 8.

Strike: "a majority of"

9. Page 3, following line 14.

Insert: "(d) If the area to be annexed contains less than 300 recorded parcels, the city or town council, after considering all written communication, may adopt a resolution approving the annexation and the boundaries of the city or town must be extended to include the platted tracts or parcels of land or unplatted land for which a certificate of survey has been filed. An area annexed pursuant to this subsection may include land used for railroad purposes. A city or town council may not annex by resolution an area containing less than 300 recorded parcels if the resolution is disapproved in writing by a majority of real property owners of the area proposed to be annexed. If the resolution is disapproved by a majority of the land owners, the city or town council may not on its own initiative propose further resolutions relating to the annexation of the area or any portion of the area, without petition, for a period of 1 year."

10. Page 3, line 16.

Strike: "Further"

Insert: "Except as provided in subsection (1)(d), further"

11. Page 4, lines 3 through 11.

Strike: section 8 in its entirety

Renumber: subsequent sections

12. Page 5, line 16, through page 7, line 8.

Strike: section 11 in its entirety

Renumber: subsequent section

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And, as amended, do pass. Report adopted.

HB 461, introduced bill, do pass. Report adopted.

HB 508, introduced bill, be amended as follows:

1. Title, lines 5 through 7.

Strike: "2-7-504" on line 5 through "7-6-2525," on line 7

2. Title, line 8.

Strike: "7-6-4203,"

Strike: "7-6-4232,"

3. Title, line 9.

Strike: "7-6-601, 7-6-602, 7-6-603, 7-6-604,"

4. Page 2, following line 22.

Insert: "(7) Subsections (1) through (3) do not apply to a local government entity that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

5. Page 2 line 26 through page 14 line 26.

Strike: section 2 through section 25 in their entirety

Renumber: subsequent sections

6. Page 14, line 29.

Following: "~~exception~~"

Insert: "-- exception"

7. Page 15, following line 7.

Insert: "(4) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

8. Page 15, line 20.

Strike: "6"

Insert: "12"

9. Page 15, following line 23.

Insert: "(4) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

10. Page 16, following line 5.

Insert: "(3) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

11. Page 16, following line 23.

Insert: "(3) This section does not apply to a city or town that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

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12. Page 17, line 2.

Following: "(1)"

Insert: "(1)"

13. Page 17, following line 7.

Insert: "(2) This section does not apply to a city or town that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

14. Page 17, line 16.

Following: "~~more,~~"

Insert: "to be earmarked for the replacement, improvement, and acquisition of property, facilities, or equipment,"

15. Page 17, line 24.

Strike: "42"

Insert: "2"

16. Page 18, lines 15 through 18.

Strike: section 35 in its entirety

Renumber: subsequent sections

17. Page 18, following line 29.

Insert: "(3) This section does not apply to a city or town that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

18. Page 19, line 4.

Following: "requirement."

Insert: "(1)"

19. Page 19, line 9.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

20. Page 19, following line 15.

Insert: "(2) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

21. Page 19, following line 25.

Insert: "(3) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

22. Page 20, following line 23.

Insert: "(4) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

23. Page 20, line 26.

Strike: "40"

Insert: "15"

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24. Page 21, following line 12.

Insert: "(4) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

25. Page 21, line 16.

Following: "year."

Insert: "This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

26. Page 21, following line 23.

Insert: "(3) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

27. Page 21, line 27.

Following: "budget."

Insert: "This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

28. Page 22, following line 8.

Insert: "(3) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

29. Page 22, line 12.

Strike: "45"

Insert: "20"

30. Page 22, following line 19.

Insert: "(3) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

31. Page 22, following line 30.

Insert: "(3) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

32. Page 23, lines 1 through 16.

Strike: section 48 in its entirety

Renumber: subsequent sections

33. Page 23, lines 18, 20 and 26.

Strike: "47" or "47"

Insert: "22"

34. Page 24, following line 23.

Insert: "(4) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

35. Page 25, following line 25.

Insert: "(3) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

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36. Page 26, following line 15.

Insert: "(5) This section does not apply to a municipality that has adopted the alternative accounting method provided for in Title 7, chapter 6, part 6."

37. Page 26, line 17.

Strike: "7-6-601, 7-6-602,"

38. Page 26, line 18.

Strike: "7-6-603, 7-6-604,"

39. Page 26, line 24 and line 26.

Strike: "27 and 28"

Insert: "3 and 4"

40. Page 26, line 27.

Strike: "37 through 47, 49, 51, and 54"

Insert: "12 through 23, 25, and 28"

41. Page 26, line 28.

Strike: "37 through 47"

Insert: "12 through 23"

42. Page 26, line 29.

Strike: "49, 51, and 54"

Insert: "25, and 28"

And, as amended, do pass. Report adopted.

HB 518, introduced bill, be amended as follows:

1. Title, line 14.

Strike: line 14 in its entirety

Insert: "ALLOWING A MUNICIPALITY TO INCUR INDEBTEDNESS FOR THE REPAIR AND REHABILITATION OF CERTAIN FACILITIES;"

2. Title, line 16.

Following: "7-14-2526,"

Insert: "7-16-4104, AND"

Strike: "AND 19-13-704,"

3. Title, line 17.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 5, line 14.

Strike: "must"

Insert: "may not"

Following: "par,"

Insert: "at less than 97% of the face value,"

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5. Page 5, line 15.

Following: " $\frac{1}{2}$ "

Insert: " , "

6. Page 6, line 1.

Following: "activities"

Insert: "for areas requiring or involving environmental reclamation"

7. Page 9, following line 29.

Insert: "Section 14. Section 7-16-4104, MCA, is amended to read:

"7-16-4104. Authorization for municipal indebtedness for various cultural, social, and recreational purposes. (1) A city or town council or commission may contract an indebtedness on behalf of the city or town, upon the credit ~~thereof of the city or town~~, by borrowing money or issuing bonds:

(a) for the purpose of purchasing and improving lands for public parks and grounds;

(b) for procuring by purchase, construction, or otherwise swimming ~~pools~~ pool facilities, athletic fields, skating rinks, playgrounds, museums, a golf course, a site and building for a civic center, a youth center, or combination ~~thereof of these facilities~~; and

(c) for furnishing, ~~and~~ equipping, repairing, or rehabilitating the same a swimming pool facility, athletic field, skating rink, playground, museum, golf course, civic center, or youth center.

(2) The total amount of indebtedness authorized to be contracted in any form, including the then-existing indebtedness, may not at any time exceed 16.5% of the taxable value of the taxable property of the city or town as ascertained by the last assessment for state and county taxes previous to the incurring of ~~such the indebtedness. No money~~ Money may not be borrowed for any purpose on bonds issued for the purchase of lands and improving the ~~same land for any such purpose~~ until the proposition has been submitted to the vote of the qualified electors of the city or town and a majority vote is cast in favor ~~thereof of the proposition.~~ ""

Renumber: subsequent sections

8. Page 10, line 17, through page 11, line 8.

Strike: sections 15 and 16 in their entirety

Renumber: subsequent section

9. Page 11, line 12.

Strike: "Sections"

Insert: "Section"

Strike: "and 16"

And, as amended, do pass. Report adopted.

HB 556, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/18/97

HB 408, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "divisions"

Insert: "or parcels"

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2. Page 2, line 2.

Strike: subsection (d) in its entirety

Insert: "(d) subject to the provisions of subsection (3), a remainder of an original tract created by segregating a parcel from the tract for purposes of transfer, if:

(i) the remainder is served by a public or multifamily sewage system approved before January 1, 1997, pursuant to local regulations or this chapter; or

(ii) the remainder is 1 acre or larger and has an individual sewage system that was constructed prior to April 29, 1993, and, if required when installed, was approved pursuant to local regulations or this chapter.

(3) Consistent with the applicable provisions of 50-2-116(1)(i), a local health officer may require that, prior to the transfer of the parcel to be segregated from the remainder referenced in subsection (2)(d)(ii), the remainder include acreage or features sufficient to accommodate a replacement drainfield."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence:

2/18/97

SB 45, introduced by Holden

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 583, introduced by Sands, Christiaens, Cobb, Squires, Galvin, Barnhart, referred to Committee on Appropriations.

HB 584, introduced by Knox, Quilici, Grosfield, Beaudry, referred to Committee on Appropriations.

HB 585, introduced by Ohs, Quilici, Pavlovich, Denny, referred to Committee on Business & Labor.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Madame Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 139 - Representative Swanson moved HB 139 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

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Total 75

Noes: Adams, Arnott, Bankhead, Bergman, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Feland, H.S. Hanson, Hayne, Jore, Masolo, McGee, Ohs, Orr, Prouse, Rehbein, Sliter, Smith, Tash, Wagner, Walters, Zook.

Total 25

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 333 - Representative Soft moved HB 333 do pass. Motion carried as follows:

Ayes: Ahner, Barnhart, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Smith, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 61

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Grinde, H.S. Hanson, M. Hanson, Hayne, Jore, Kasten, Keenan, Knox, Marshall, Molnar, Ohs, Orr, Prouse, Rehbein, Simon, Simpkins, Sliter, Story, Tash, Taylor, Vick, Wagner, Zook.

Total 39

Voted Absentee: Bergsagel, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 315 - Representative Krenzler moved HB 315 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

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Noes: Adams, Arnott, Boharski, Brainard, Clark, Curtiss, Feland, Jore, Keenan, McGee, Prouse, Rehbein, Sliter, Wells.

Total 14

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 437 - Representative Beaudry moved HB 437 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Arnott, Barnhart, Bohlinger, Carey, Denny, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, McCann, McCulloch, Pease, Peck, Raney, Ream, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tropila, Tuss, Wyatt.

Total 32

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Brainard, Kitzenberg.

Total 2

HB 480 - Representative Grinde moved consideration of HB 480 be passed for the day. Motion carried.

HB 486 - Representative Tuss moved HB 486 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

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Noes: Bookout, Hurdle.
Total 2

Voted Absentee: Bergsagel, Aye.

Excused: None.
Total 0

Absent or not voting: Cobb, Grady, Harper, Molnar, Raney.
Total 5

HB 501 - Representative Wagner moved HB 501 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 97

Noes: None.
Total 0

Voted Absentee: Bergsagel, Aye.

Excused: None.
Total 0

Absent or not voting: Grady, Molnar, Ryan.
Total 3

HB 506 - Representative Story moved HB 506 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

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Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 507 - Representative Story moved HB 507 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Adams, Brainard, Clark, Heavy Runner, Hurdle.

Total 5

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 521 - Representative Ryan moved HB 521 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.

Total 89

Noes: Arnott, Feland, Hibbard, Jore, Kasten, Keenan, Masolo, Orr, Smith, Vick, Zook.

Total 11

Voted Absentee: Bergsagel, Aye.

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Cocchiarella moved that the Committee of the Whole report be adopted. Report adopted. (96-2)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 7 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Adams, Gillan, Jore, Prouse.
Total 4

Voted Absentee: Bergsagel, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 426 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.

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Total 89

Noes: Adams, Arnott, Boharski, Curtiss, Jore, Orr, Rehbein, Vick, Wagner.

Total 9

Excused: Bergsagel.

Total 1

Absent or not voting: Wiseman.

Total 1

HB 479 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Hayne, Jore, Kasten, Masolo, Rehbein, Story, Wagner.

Total 7

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Sands.

Total 1

HB 495 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Barnhart, Hurdle.

Total 2

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Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

HB 538 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Heavy Runner, Hurdle, Jore, Peck.

Total 4

Voted Absentee: Bergsagel, Aye.

Excused: None.

Total 0

Absent or not voting: Kitzenberg.

Total 1

HJR 23 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Jore, Kasten, Prouse, Rehbein, Vick, Wells.

Total 7

Voted Absentee: Bergsagel, Aye.

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Excused: None.

Total 0

Absent or not voting: Simon, Story.

Total 2

MOTIONS

HB 298, HB 391, HB 253 - Representative Grinde moved HB 298, HB 391, HB 253 be taken from the third reading board and rereferred to the Committee on Appropriations. Motion carried.

HB 272 - Representative Grinde moved HB 272 be taken from the second reading board and rereferred to the Committee on Select Corrections. Motion carried.

HB 581 - Representative Grinde moved HB 581 be taken from the Committee on Taxation and rereferred to the Committee on Appropriations. Motion carried.

ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, February 20, 1997. Motion carried.

House adjourned at 2:56 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTIETH LEGISLATIVE DAY**

Helena, Montana
February 20, 1997

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative McGee. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/20/97

Correctly printed for second reading: HB 447, HB 489, HB 508, HB 518, HB 532, HB 547, HB 129, HB 236, HB 265, HB 291, HB 369, HB 387, HB 390, HB 408, HB 556, HB 533, HB 461, HB 429, HB 402, HB 323, HJR 28, HJR 27.

Correctly engrossed for third reading: HB 521, HB 507, HB 506, HB 501, HB 486, HB 437, HB 333, HB 315, HB 139.

Signed by the Speaker at 5:15 p.m., February 19, 1997: HB 24, HB 32, HB 59, HB 96, HB 87, HB 88, HB 81, HB 132, HB 36.

Delivered to the Governor for his approval at 10:00 a.m., February 20, 1997: HB 141, HB 218, HB 73.

AGRICULTURE (Barnett, Chairman):

2/20/97

HB 224, introduced bill, do pass. Report adopted.

APPROPRIATIONS (Zook, Chairman):

2/20/97

HB 217, introduced bill, be amended as follows:

1. Title, line 6.

Following: "BIDDING;"

Insert: "ELIMINATING THE APPROVAL OF NEGOTIATED CONTRACTS BY THE BOARD OF EXAMINERS; INCREASING THE COST OF BUILDING OR CONSTRUCTION PROJECTS FOR WHICH SECURITY MAY BE WAIVED;"

Following: "18-2-103"

Strike: "AND"

Insert: "18-2-105, 18-2-201,"

Following: "18-2-301,"

Insert: "AND 18-2-302,"

2. Page 3, line 6.

Insert: "Section 3. Section 18-2-105, MCA, is amended to read:

"18-2-105. General powers and duties of department of administration. In carrying out powers relating to the construction of buildings, the department of administration may:

- (1) inspect buildings not under construction;
- (2) contract with the federal government for advance planning funds;
- (3) transfer funds and authority to agencies and accept funds and authority from agencies;
- (4) purchase, lease, and acquire by exchange or otherwise, land and buildings in Lewis and Clark County and equipment and furnishings for the buildings;
- (5) issue and sell bonds and other securities;
- (6) maintain an inventory of all buildings;

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(7) appoint a project representative to supervise architects' and consulting engineers' inspection of construction of buildings to ensure that all construction is in accordance with the contracts, plans, and specifications. The cost of supervision may be charged against money available for construction.

(8) negotiate deductive changes, not to exceed 7% of the total cost of a project, with the lowest responsible bidder when the lowest responsible bid causes the project cost to exceed the appropriation or with the lowest responsible bidders, if multiple contracts will be awarded on the project, when the total of the lowest responsible bids causes the project cost to exceed the appropriation. A bidder is not required to negotiate a bid but is required to honor the bid for the time specified in the bidding documents. The department may terminate negotiations at any time. ~~Any contract award resulting from negotiation is subject to the approval of the board of examiners."~~

Section 4. Section 18-2-201, MCA, is amended to read:

"18-2-201. Security requirements. (1) Except as otherwise provided in 85-1-219 and subsections (4) through (6) of this section, whenever any board, council, commission, trustees, or body acting for the state or any county, municipality, or any public body contracts with a person or corporation to do work for the state, county, or municipality or other public body, city, town, or district, the board, council, commission, trustees, or body shall require the corporation, person, or persons with whom the contract is made to make, execute, and deliver to the board, council, commission, trustees, or body a good and sufficient bond with a licensed surety company as surety, conditioned that the corporation, person, or persons shall:

(a) faithfully perform all of the provisions of the contract;

(b) pay all laborers, mechanics, subcontractors, and material suppliers; and

(c) pay all persons who supply the corporation, person or persons, or subcontractors with provisions, provender, material, or supplies for performing the work.

(2) A copy of the bond must be filed with the county clerk and recorder of the county in which the work is to be performed or the improvement is to be made or, if the work is to be performed or the improvement is to be made in more than one county, with the county clerk of either county, except in cases of cities and towns, in which case the bond must be filed with the city or town clerk.

(3) Notwithstanding the provisions of subsections (1) and (2), the state or other governmental entity may, in lieu of a surety bond, permit the deposit with the contracting governmental entity or agency of the following securities in an amount at least equal to the contract sum to guarantee the faithful performance of the contract and the payment of all laborers, suppliers, material suppliers, mechanics, and subcontractors:

(a) lawful money of the United States; or

(b) a cashier's check, certified check, bank money order, certificate of deposit, money market certificate, or bank draft, drawn or issued by:

(i) any federally or state-chartered bank or savings and loan association that is insured by or for which insurance is administered by the federal deposit insurance corporation; or

(ii) a credit union insured by the national credit union share insurance fund.

(4) Notwithstanding the provisions of subsections (1) and (2), any board, council, commission, trustee, or body acting for any county, municipality, or any public body other than the state may, in lieu of a bond from a licensed surety company, accept good and sufficient bond with two or more sureties acceptable to the governmental body.

(5) Except as provided in subsection (6), the state or other governmental entity may waive the requirements contained in subsections (1) through (4) for building or construction projects, as defined in 18-2-101, that cost less than ~~\$5,000~~ \$25,000.

(6) A school district may waive the requirements contained in subsections (1) through (4) for building or construction projects, as defined in 18-2-101, that cost less than \$7,500."

Renumber: subsequent sections

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3. Page 3, line 21.

Insert: "Section 6. Section 18-2-302, MCA, is amended to read:

"18-2-302. Bid security -- waiver. (1) Except as provided in subsection (2), each bid must be accompanied by bid security in the amount of 10% of the bid. The security may consist of cash, a cashier's check, a certified check, a bank money order, a certificate of deposit, a money market certificate, or a bank draft. The security must be:

(a) drawn and issued by a federally chartered or state-chartered bank or savings and loan association that is insured by or for which insurance is administered by the federal deposit insurance corporation;

(b) drawn and issued by a credit union insured by the national credit union share insurance fund; or

(c) a bid bond or bonds executed by a surety company authorized to do business in the state of Montana.

(2) The state or other governmental entity may waive the requirements for bid security on building or construction projects, as defined in 18-2-101, that cost less than ~~\$5,000~~ \$25,000."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

BUSINESS & LABOR (Simon, Chairman):

2/19/97

HB 78, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "RESTRICTING"

Insert: "REVISING THE CONDITIONS UNDER WHICH"

2. Title, lines 7 and 8.

Strike: the second "TO" on line 7 through "ISSUED" on line 8

Insert: "IS REQUIRED"

3. Title, line 11.

Following: "16-4-105"

Insert: "16-4-115,"

4. Page 1, line 16 through page 8, line 11.

Strike: everything following the enacting clause

Insert: "Section 5. Section 16-4-105, MCA, is amended to read:

"16-4-105. Limit on retail beer licenses -- wine license amendments ~~—off-premises consumption~~. (1)

Except as otherwise provided by law, a license to sell beer at retail or beer and wine at retail, in accordance with the provisions of this code and the rules of the department, may be issued to any person, firm, or corporation that is approved by the department as a ~~fit and proper~~ person, firm, or corporation qualified to sell beer, except that:

(a) the number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated towns and within a distance of 5 miles from the corporate limits of the cities and towns must be determined on the basis of population prescribed in 16-4-502 as follows:

(i) in incorporated towns of 500 inhabitants or less and within a distance of 5 miles from the corporate limits of the towns, not more than one retail beer license, ~~which may not be used in conjunction with a retail all beverages license;~~

(ii) in incorporated cities or incorporated towns of more than 500 inhabitants and not over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of the cities or towns, one retail beer license for every 500 inhabitants, ~~which may not be used in conjunction with retail all beverages licenses;~~

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(iii) in incorporated cities of over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of the cities, four retail beer licenses for the first 2,000 inhabitants, two additional retail beer licenses for the next 2,000 inhabitants or major fraction of 2,000 inhabitants, and one additional retail beer license for every additional 2,000 inhabitants, ~~which may not be used in conjunction with retail all beverages licenses;~~

(b) the number of the inhabitants in incorporated cities and incorporated towns, exclusive of the number of inhabitants residing within a distance of 5 miles from the corporate limits of the cities or towns, governs the number of retail beer licenses that may be issued for use within the cities and towns and within a distance of 5 miles from the corporate limits of the cities and towns. If two or more incorporated municipalities are situated within a distance of 5 miles from each other, the total number of retail beer licenses that may be issued for use in both the incorporated municipalities and within a distance of 5 miles from their respective corporate limits must be determined on the basis of the combined populations of both municipalities and may not exceed the limitations in this section. The distance of 5 miles from the corporate limits of any incorporated city or incorporated town must be measured in a straight line from the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of the city or town.

(c) retail beer licenses of issue on March 7, 1947, and retail beer licenses issued under 16-4-110 that are in excess of the limitations in this section are renewable, but new licenses may not be issued in violation of the limitations;

(d) the limitations do not prevent the issuance of a nontransferable and nonassignable retail beer license to an enlisted persons', noncommissioned officers', or officers' club located on a state or federal military reservation on May 13, 1985, or to a post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization if the veterans' or fraternal organization has been in existence for a period of 5 years or more prior to January 1, 1949;

(e) the number of retail beer licenses that the department may issue for use at premises situated outside of any incorporated city or incorporated town and outside of the area within a distance of 5 miles from the corporate limits or for use at premises situated within any unincorporated area must be determined by the department in its discretion, except that a retail beer license may not be issued for any premises so situated unless the department determines that the issuance of the license is required by public convenience and necessity pursuant to 16-4-203.

(2) A person holding a license to sell beer for consumption on the premises at retail may apply to the department for an amendment to the license permitting the holder to sell wine as well as beer. The division may issue an amendment if it finds, on a satisfactory showing by the applicant, that the sale of wine for consumption on the premises would be supplementary to a restaurant or prepared-food business. A person holding a ~~beer and wine~~ beer and wine license may sell wine for consumption on or off the premises. Nonretention of the beer license, for whatever reason, means automatic loss of the wine amendment license."

Section 6. Section 16-4-115, MCA, is amended to read:

"16-4-115. Beer and wine licenses for off-premises consumption. (1) A retail license to sell beer or table wine, or both, in the original packages for off-premises consumption may be issued only to a person, firm, or corporation that is approved by the department as a ~~fit and proper~~ person, firm, or corporation qualified to sell beer or table wine, or both, and whose premises proposed for licensing are operated as a bona fide grocery store or a drugstore licensed as a pharmacy. The number of licenses that the department may issue is not limited by the provisions of 16-4-105 but must be determined by the department in the exercise of its sound discretion, and the department may in the exercise of its sound discretion grant or deny an application for any ~~such~~ license or suspend or revoke any license for cause.

(2) Upon receipt of a completed application for a license under this section, accompanied by the necessary license fee as provided in 16-4-501, the department shall request that the department of justice make a thorough investigation of all matters relating to the application.

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- (3) Based on the results of the investigation or in exercising its sound discretion as provided in subsection (1), the department shall determine whether:
- (a) the applicant is qualified to receive a license;
 - (b) the applicant's premises are suitable for the carrying on of the business; and
 - (c) the requirements of this code and the rules promulgated by the department are met and complied with.
- (3)(4) License applications submitted under this section are not subject to the provisions of 16-4-203 and 16-4-207.
- (4)(5) If the premises proposed for licensing under this section are a new or remodeled structure, the department may issue a conditional license prior to completion of the premises upon reasonable evidence that the premises will be suitable for the carrying on of business as a bona fide grocery store or a drugstore licensed as a pharmacy."

Section 7. Section 16-4-203, MCA, is amended to read:

"16-4-203. Determination of public convenience and necessity. (1) An original license issued pursuant to 16-4-104, 16-4-201, or 16-4-202, or 16-4-208 or the transfer of location of a an on-premises retail license may be approved only if the department has determined, upon a hearing held pursuant to the Montana Administrative Procedure Act, that the issuance or transfer of the license is justified by public convenience and necessity. If there is no opposition to the application for issuance or transfer of the license, a hearing is not required if the department does not receive the minimum number of protests required for a public convenience and necessity determination pursuant to 16-4-207, in which case the application must be regarded as a prima facie showing of public convenience and necessity and no further determination of public convenience and necessity is allowed.

(2) (a) If the department receives at least the minimum number of protests required for a public convenience and necessity determination, as provided in 16-4-207, an application must be approved when evidence indicates that the issuance of an original license or transfer of location will materially promote the public's ability to engage in the licensed activity.

(b) The issuance of an original license or a transfer of location will materially promote the public's ability to engage in the licensed activity if:

(i) the applicant's history and experience demonstrate the capacity to operate the proposed license in a lawful manner;

(ii) the approval of the application for the premises at the proposed location is consistent with the public's demand or probable demand for the licensed activity that presently exists or is reasonably expected to exist within the next 5 years in the quota area where the proposed premises is located and in quota areas adjacent to the quota area where the proposed premises is located;

(iii) the approval of the application for the premises at the proposed location contributes to the public's ability to participate in the licensed activity throughout the quota area where the proposed premises is located and quota areas adjacent to the quota area where the proposed premises is located;

(iv) the approval of the application for the premises at the proposed location is consistent with adopted or pending planning, annexation, and zoning ordinances of local governments that confer or will confer jurisdiction over business and developments such as the proposed license in the quota area where the proposed premises is located and in quota areas adjacent to the quota area where the proposed premises is located.

(3) When determining whether or not an application is justified by public convenience and necessity, the department may:

(a) receive evidence at the public hearing specified in 16-4-207 only from the applicant, any protestors whose protests the department has accepted pursuant to 16-4-207, and any other person summoned or called by either a protestor or applicant;

(b) find that the application is justified by public convenience and necessity if the applicant has provided substantial credible evidence as provided for in this subsection (3) that shows that the department's approval

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of the application will materially promote the public's ability to engage in the licensed activity. The substantial credible evidence required must include a consideration of each of the components of materially promoting the public's ability to engage in the licensed activity as provided in subsection (2)(b).

(4) For the purposes of this section, the following definitions apply:

(a) "Confer or will confer jurisdiction" means the power or authority that a local government or an appointed subsidiary of a local government has or may obtain within 1 year from the date of the hearing to consider and adopt planning, annexation, or zoning ordinances.

(b) "Licensed activity" means the purchase of alcoholic beverages for on-premises consumption in a business licensed to sell alcoholic beverages at retail for on-premises consumption and does not include any other activity that may be carried on or is supplemental to the sale of alcoholic beverages at retail for on-premises consumption such as the sale of prepared food for on-premises consumption or licensed gaming.

(c) "Pending planning, annexation, and zoning ordinances" means the ordinances of a local government or an appointed subsidiary of a local government that were publicly considered within the year preceding the date of the hearing, are presently being considered, or may reasonably be expected to be considered or adopted within 1 year after the date of the hearing."

Section 8. Section 16-4-207, MCA, is amended to read:

"16-4-207. Notice of application -- investigation -- publication -- protest. (1) When an application has been filed with the department for a license to sell alcoholic beverages at retail or to transfer the location of a retail license, the department shall review the application for completeness and ~~to~~ based upon review of the application and any other information supplied to the department, determine whether the applicant or the premises to be licensed meets criteria provided by law. The department may make one request for additional information necessary to complete the application. The application is considered complete when the applicant furnishes the application information requested by the department. If the applicant does not provide the additional application information within 60 days of the department's request, the department shall terminate the application and return it to the applicant with an explanation of why the application was terminated. The terminated application is not a denial, and the premises identified in the application is not subject to the provisions of 16-4-413. An applicant whose application is terminated may subsequently submit a new application. ~~The~~ When the application is complete, the department shall request that the department of justice investigate the application as provided in 16-4-402. If after the investigation the department does not discover a basis to deny the application within 30 days after the department requests the investigation by the department of justice, the department shall promptly publish in a newspaper of general circulation in the city, town, or county from which the application comes a notice that the applicant has made application for a retail license on-premises license or a transfer of location and that protests may be made against the issuance of a license approval of the application to the applicant by a person who has extended credit to the transferor or by residents of the county from which the application comes or adjoining Montana counties. Protests may be mailed to a named administrator in the department of revenue within 10 days after the final notice is published. Notice of application for a new license must be published once a week for 4 consecutive weeks. Notice of application for transfer of ownership or location of a license must be published once a week for 2 consecutive weeks. Notice may be substantially in the following form:

NOTICE OF APPLICATION FOR RETAIL ALL-BEVERAGES LICENSE

Notice is given that on the day of, 19.., one (name of applicant) filed an application for a retail all-beverages license with the Montana department of revenue, to be used at (describe location of premises where beverages are to be sold). A person who has extended credit to the transferor and residents of counties may protest against the issuance of the license approval of the application. Each protestor is required to mail a letter that contains in legible print the protestor's full name, mailing address, and street

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address. Each letter must be signed by the protestor. A protest petition bearing the names and signatures of persons opposing the approval of an application may not be considered as a protest. Protests may be mailed to, department of revenue, Helena, Montana, on or before the day of, 19...

Dated

Signed

ADMINISTRATOR

(2) Each applicant shall, at the time of filing an application, pay to the department an amount sufficient to cover the costs of publishing the notice.

(3) (a) If the administrator receives no written protests, the department may ~~issue or transfer the license~~ approve the application without holding a public hearing.

(b) A response to a notice of opportunity to protest an application may not be considered unless the response is a letter satisfying all the requirements contained in the notice in subsection (1).

(c) If the department receives sufficient written protests by a person who has extended credit to the transferor or residents of the county from which the application comes or adjoining Montana counties that satisfy the requirements in subsection (1) against the issuance or transfer of the license are received, approval of the application, the department shall hold a public hearing as provided in subsection (4)."

(4) (a) If the department receives at least one protest but less than the number of protests required for a public convenience and necessity determination as specified in subsection (4)(c), the department shall schedule a public hearing to be held in Helena, Montana, to determine whether the protest presents sufficient cause to deny the application based on the qualifications of the applicant as provided in 16-4-401 or on the grounds for denial of an application provided for in 16-4-405, exclusive of public convenience and necessity. The hearing must be governed by the provisions of Title 2, chapter 4, part 6.

(b) If the department receives the number of protests required for a public convenience and necessity determination as specified in subsection (4)(c) and the application is for an original license or for a transfer of location, the department shall schedule a public hearing to be held in the county of the proposed location of the license to determine whether the protest presents sufficient cause to deny the application based on the qualifications of the applicant as provided in 16-4-401 or on the grounds for denial of an application provided for in 16-4-405 including public convenience and necessity. The hearing must be governed by the provisions of Title 2, chapter 4, part 6.

(c) The minimum number of protests necessary to initiate a public hearing to determine whether an application satisfies the requirements for public convenience and necessity, as specified in 16-4-203, for the proposed premises located within a quota area described in 16-4-201 must be equal to the quota for all-beverages licenses determined for that quota area according to 16-4-201(1),(2), and (5) but in no case less than two. The minimum number of protests determined in this manner will apply only to applications for either on-premises consumption beer or all-beverage licenses."

Section 9. Section 16-4-402, MCA, is amended to read:

"16-4-402. Application -- investigation. (1) Prior to the issuance of a license under this chapter, the applicant shall file with the department an application in writing, signed by the applicant and containing information and statements relative to the applicant and the premises where the alcoholic beverage is to be sold as required by the department. The application must be verified by the affidavit of the person making it before a person authorized to administer oaths.

(2) (a) Upon receipt of a completed application for a license under this code, accompanied by the necessary license fee or letter of credit as provided in 16-4-501(7)(f), the department shall request that the department of justice make a thorough investigation of all matters relating to the application. Based on the results of the investigation or on other information, the department shall determine whether:

(i) the applicant is qualified to receive a license;

(ii) the applicant's premises are suitable for the carrying on of the business; and

(iii) the requirements of this code and the rules promulgated by the department are met and complied with.

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(b) This subsection (2) does not apply to a catering endorsement provided in 16-4-111 or 16-4-204(2), a retail beer and wine license for off-premises consumption as provided in 16-4-115, or a special permit provided in 16-4-301.

(c) For an original license application and an application for transfer of location of a license, the department of justice's investigation and the department's determination under this subsection (2) must be completed within 90 days of the request from the department to the department of justice. If information is requested from the applicant by either department, the time period in this subsection (2)(c) is tolled until the requested information is received by the requesting department. The basis for the tolling of the deadline must be documented.

(3) Upon proof that an applicant made a false statement in any part of the original application, in any part of an annual renewal application, or in any hearing conducted pursuant to an application, the application for the license may be denied, and if issued, the license may be revoked.

~~(4) If, within 30 days of receiving the completed application, the department finds no basis for denying the application, the department shall proceed to publish the notice of the application as required by 16-4-207. The department shall issue a conditional approval letter upon the last occurrence of either:~~

~~(a) completion of the investigation and determination provided for in subsection (2) if the department has not received information that would cause the department to deny the application; or~~

~~(b) a final agency decision that either denies or dismisses a protest against the approval of an application pursuant to 16-4-207.~~

(5) The conditional approval letter must state the reasons upon which the future denial of the application may be based. The reasons for denial of the application after the issuance of the conditional approval letter are as follows:

(a) there is false or erroneous information in the application;

(b) the premises are not approved by local building, health, or fire officials;

(c) there are physical changes to the premises that if known prior to the issuance of the conditional approval letter would have constituted grounds for the denial of the application or denial of the issuance of the conditional approval; or

(d) a final decision by a court exercising jurisdiction over the matter either reverses or remands the department's final agency decision provided for in subsection (4)."

Section 10. Section 16-4-404, MCA, is amended to read:

"16-4-404. Protest period -- contents of license -- posting -- privilege -- transfer. (1) A license may not be issued until on or after the date set in the notice for hearing protests.

(2) Every license issued under this code must state the name of the person to whom it is issued, the location, by street and number or other appropriate specific description of location if no street address exists, of the premises where the business is to be carried on under the license, and other information the department considers necessary. If the licensee is a partnership or if more than one person has an interest in the business operated under the license, the names of all persons in the partnership or interested in the business must appear on the license. Every license must be posted in a conspicuous place on the premises in which the business authorized under the license is conducted, and the license must be exhibited upon request to any authorized representative of the department or the department of justice or to any peace officer of the state of Montana.

(3) A license issued under the provisions of this code is a privilege personal to the licensee named in the license and is valid until the expiration of the license unless sooner revoked or suspended.

(4) A license may be transferred to the executor or administrator of the estate of a deceased licensee when the estate consists in whole or in part of the business of selling alcoholic beverages under a license. The license may descend or be disposed of with the licensed business under appropriate probate proceedings.

(5) (a) A licensee may apply to the department for a transfer of the license to different premises within the quota area if:

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- (i) there has been major loss or damage to the licensed premises by unforeseen natural causes;
 - (ii) the lease of the licensed premises has expired;
 - (iii) in case of rented licensed premises, there has been an eviction or increase of rent by the landlord; or
 - (iv) the licensee has proposed removal of the license to premises that are as substantially suited for the retail alcoholic beverages business as the premises proposed to be vacated.
- (b) The department may, after notice and opportunity for protest, permit a transfer in the cases specified in subsection (5)(a) if it appears to the department that a transfer is required to do justice to the licensee applying for the transfer and the transfer is justified by public convenience and necessity, pursuant to 16-4-203, unless a public convenience and necessity hearing is required by 16-4-207. The department may not allow a transfer to different premises where the sanitary, health, and service facilities are less satisfactory than facilities that exist or had existed at the premises from which the transfer is proposed to be made.
- (6) Upon a bona fide sale of the business operated under a license, the license may be transferred to a qualified purchaser. A transfer of a license to a person or location is not effective unless approved by the department. A licensee or transferee or proposed transferee who operates or attempts to operate under a supposedly transferred license prior to the approval of the transfer by the department, endorsed upon the license in writing, is considered to be operating without a license and the license affected may be revoked or suspended by the department. The department may, within its discretion, permit a qualified purchaser to operate the business to be transferred pending final approval if there has not been a change in location and the application for transfer has been filed with the department.
- (7) Except as provided in 16-4-204 and subsections (2) through (6) and 16-4-204 of this section, a license may not be transferred or sold or used for any place of business not described in the license. A license may be subject to mortgage and other valid liens, in which event the name of the mortgagee, upon application to and approval of the department, must be endorsed on the license. Beer or wine sold to a licensee on credit pursuant to 16-3-243 or 16-3-406 does not create a lien upon a license, but a subsequent licensee has the obligation to pay for the beer or wine."

Section 11. Section 16-4-405, MCA, is amended to read:

"16-4-405. Denial of license. (1) The department may deny the issuance of a retail alcoholic beverages license if it determines that the premises proposed for licensing are off regular police beats and cannot be properly policed by local authorities.

(2) A retail license may not be issued by the department for a premises situated within a zone of a city ~~or town, or county~~ where the sale of alcoholic beverages is prohibited by ordinance, a certified copy of which has been filed with the department.

(3) A license under this code may not be issued if the department finds from the evidence at the hearing held pursuant to 16-4-207(3) that:

(a) the welfare of the people residing in the vicinity of the premises for which the license is desired will be adversely and seriously affected;

(b) if required, there is not a public convenience and necessity justification pursuant to 16-4-203;

(c) the applicant or the premises proposed for licensing fail to meet the eligibility or suitability criteria established by this code; ~~or~~

(d) a possible reason for denial listed in a conditional approval letter, as provided in 16-4-402, has been verified; or

(e) the purposes of this code will not be carried out by the issuance of the license."

NEW SECTION. Section 12. Applicability. [This act] applies to applications for the issuance or transfer of a license received on or after [the effective date of this act].

NEW SECTION. Section 13. Effective date. [This act] is effective July 1, 1997."

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And, as amended, do pass. Report adopted.

HB 252, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "REQUIRING THE REFUND OF CONTRACTOR REGISTRATION FEES;"

2. Page 5, line 13.

Strike: "an employing unit"

Insert: "any person for whom the independent contractor renders service in exchange for pay or any other consideration"

3. Page 10, lines 12 and 13.

Strike: section 5 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 517, introduced bill, be amended as follows:

1. Title, line 8.

Following: "PARTY"

Strike: "OR"

Insert: ", "

2. Title, line 9.

Following: "COMMITTEE"

Insert: ", OR CANDIDATE"

3. Page 1, line 29.

Following: "prescribed by"

Insert: "the commissioner of political practices and provided by"

4. Page 2, line 3.

Following: "committee"

Insert: "or candidate"

5. Page 2, line 4.

Following: "."

Insert: "or"

6. Page 2, line 5.

Following: "committee"

Insert: "or candidate"

7. Page 2, lines 6 and 7.

Following: "employee" on line 6

Strike: remainder of line 6 through "organization" on line 7

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8. Page 2, line 8.

Following: line 7

Insert: "(5) When a contribution is made and any portion of the contribution may be used for political purposes, subsection (4)(b) applies."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 519, introduced bill, be amended as follows:

1. Title, line 4.

Following: "NURSE"

Insert: "THAT IS A NURSE PRACTITIONER OR A CLINICAL NURSE SPECIALIST"

2. Page 5, line 28.

Following: "8"

Insert: ", and recognized by the board of nursing as a nurse practitioner or a clinical nurse specialist"

3. Page 13, line 15.

Following: "nurse"

Insert: "who is recognized by the board of nursing as a nurse practitioner or a clinical nurse specialist"

And, as amended, do pass. Report adopted.

HB 543, introduced bill, be amended as follows:

1. Page 1, line 17 through line 25.

Following: "location." on line 17

Strike: the remainder of line 17 through line 25 in its entirety

Insert: "(2) For the purposes of this section, an incentive or inducement does not include:

(a) providing an insured person or a customer with a list of all established automobile repair businesses or locations reasonably close to the insured person or customer that offer a warranty for the automobile repair services provided by the businesses or locations;

(b) providing an insured person or a customer with a list of particular body shops meeting reasonable standards of quality, service, and safety when the list is requested by the insured person or customer; or

(c) referring to a warranty issued by an automobile repair business or location."

Renumber: subsequent subsections

2. Page 1, lines 26 and 27.

Strike: "company" on line 26

Insert: "business"

Following: "and" on line 26

Strike: the remainder of line 26 through ", " on line 27

Strike: "promptly"

Following: second "the"

Insert: "reasonable and necessary"

3. Page 1, line 28.

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Following: "."

Insert: "This section does not require an insurer to pay more for automobile body repair services than the lowest prevailing market price, as defined in 33-18-222."

4. Page 1, lines 29 and 30.

Strike: subsection (4) in its entirety

Insert: "(4) If the insured person uses an automobile repair business or location not on a list provided under subsection (2)(a) or (2)(b), the insurance company may not be held liable to any repair work performed by the automobile repair business or location that the insured person chooses to use.

(5) It is unlawful for an automobile repair business or location to charge or agree to charge an insured customer more than an uninsured customer for any automobile repair service."

(6) An insurance company that contracts with an independent adjuster may not be held liable to the independent adjuster's failure to comply with the terms of this section.

Renumber: subsequent subsection

5. Page 2, line 2.

Following: "that"

Insert: "exclusively"

And, as amended, do pass. Report adopted.

EDUCATION (Ellis, Chairman):

2/20/97

HB 523, introduced bill, do pass. Report adopted.

HB 542, introduced bill, be amended as follows:

1. Title, line 5.

Following: "APPROVAL"

Insert: "AND THE DEDUCTION OF OUT-OF-COUNTY TUITION FROM THE COUNTY EQUALIZATION ACCOUNT"

2. Title, lines 6 and 7.

Strike: "ELIMINATING" on line 6 through "ACCOUNT;" on line 7

3. Page 3, line 15.

Strike: "When"

Insert: "Except as provided in subsection (6), when"

4. Page 3, line 16.

Strike: "20-5-320 or"

5. Page 3, line 24.

Following: "~~residence-~~"

Insert: "(6) When a child has mandatory approval under the provisions of 20-5-321(1)(d) and (1)(e), the tuition and transportation obligation for an elementary school child attending a school outside of the child's district of residence must be financed from the elementary county equalization account, as provided in 20-9-331, for the child's county of residence or for a high school child attending a school outside the district of residence from the high school equalization account, as provided in 20-9-333, for the child's county of residence."

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Renumber: subsequent subsections

6. Page 3, line 25.

Following: "~~or~~"

Insert: "the county superintendent or"

7. Page 3, line 27.

Following: "~~the~~"

Insert: "appropriate elementary or high school county equalization account or from the"

8. Page 3, line 30.

Strike: "(8)"

Insert: "(9)"

9. Page 6, line 6.

Following: "~~20-9-334~~"

Insert: "and excluding any amount for tuition under the provisions of 20-5-324(6)"

10. Page 6, line 11.

Following: "money"

Insert: "-- tuition obligations"

Following: "~~(1)~~"

Insert: "(1)"

11. Page 6, line 18.

Following: "~~tuition.~~"

Insert: "(2) The county superintendent shall direct the county treasurer to deduct from the revenue available in the appropriate elementary and high school equalization accounts, prior to the remittance of the funds to the state treasurer under the provisions of 15-1-504 and 20-9-212, the amount required for the month to pay the county's obligation for tuition under the provisions of 20-5-324(6)."

12. Page 6, lines 20 and 21.

Strike: section 5 in its entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 560, introduced bill, be amended as follows:

1. Title, line 10.

Following: "20-6-313,"

Insert: "20-6-501,"

2. Page 13, line 2.

Strike: "unified"

Insert: "unified"

3. Page 13, line 16.

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Following: "20-6-325"

Insert: "or a new high school district"

4. Page 15.

Following: line 28

Insert: "Section 18. Section 20-6-501, MCA, is amended to read:

"20-6-501. Definition of various schools. As used in this title, unless the context clearly indicates otherwise, the term "school" means an institution for the teaching of children that is established and maintained under the laws of the state of Montana at public expense. The trustees of any district shall designate the grade assignments for the schools of the district, but for the purposes of this title each school ~~shall be~~ is known as:

(1) an elementary school when it comprises the work of any combination of kindergarten, other preschool programs, or the first eight grades or their equivalents. A middle school is a school comprising the work of grades 4 through 8 or any combination ~~thereof~~ of grades 4 through 8 that has been accredited as a middle school under the provisions of 20-7-102. When an accredited junior high school or an accredited 6-year high school is operated by the district, grades 7 and 8 or their equivalents ~~shall~~ may not be considered as elementary grades.

(2) a high school when it comprises the work of one or more grades of schoolwork or their equivalents intermediate between the elementary schools and the institutions of higher education of the state of Montana. Types of high schools ~~shall be~~ are designated as follows:

(a) a junior high school is a school comprising the work of grades 7 through 9 or their equivalents that has been accredited as a junior high school under the provisions of 20-7-102;

(b) a senior high school is a school ~~which~~ that comprises the work of grades 10 through 12 or their equivalents and ~~which~~ that is operated in conjunction with a junior high school;

(c) a 6-year high school is a school comprising the work of grades 7 through 12 or their equivalents that has been accredited as a 6-year high school under the provisions of 20-7-102;

(d) a 4-year high school is a school comprising the work of grades 9 through 12 or their equivalents;

~~(e) a county high school is a 4 year high school operated as an agency of county government and established under the provisions of the acts of March 3, 1899, March 14, 1901, and any subsequent amendments thereto. "~~

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 564, introduced bill, be amended as follows:

1. Page 1, line 16.

Following: "year."

Insert: "The short-term obligations may not exceed the amount of the tuition payment to be received."

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/20/97

HB 159, introduced bill, do pass. Report adopted.

HB 299, introduced bill, do pass. Report adopted.

HB 303, introduced bill, be amended as follows:

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1. Page 3, line 9.

Following: "~~system;~~"

Insert: "persons who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;"

2. Page 3, line 10.

Following: "~~(b)~~"

Insert: "(b)"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 571, introduced bill, do pass. Report adopted.

HB 577, introduced bill, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

2/20/97

HB 160, introduced bill, be amended as follows:

1. Page 1, line 25.

Strike: "This section does not prevent the board or"

Insert: "The"

Following: "department"

Strike: "from making"

Insert: "shall make"

2. Page 1, line 26.

Following: "means"

Insert: "before issuing an order pursuant to subsection (1)"

And, as amended, do pass. Report adopted.

HB 524, introduced bill, be amended as follows:

1. Page 1, line 26.

Strike: "that"

Insert: "each"

Following: "person"

Insert: "that is liable or potentially liable under 75-10-715(1)"

2. Page 5, line 4.

Strike: "on consent"

3. Page 5, line 24.

Following: "of"

Strike: "the"

Insert: "an"

Following: "application"

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Insert: "for a plan that would take 24 months or less to complete and within 60 days for a plan that would take more than 24 months to complete"

4. Page 5, line 28.

Following: "days"

Insert: "for a plan that would take 24 months or less to complete and within 75 days for a plan that would take more than 24 months to complete"

And, as amended, do pass. Report adopted.

HB 531, introduced bill, do pass. Report adopted.

HB 546, introduced bill, be amended as follows:

1. Page 7, line 27.

Strike: "Twelve"

Insert: "Fifteen"

2. Page 8, line 10.

Strike: "and"

3. Page 8, line 11.

Following: "divide"

Insert: ";

(m) the tourism industry;

(n) the hydroelectric industry; and

(o) fishing-related businesses"

4. Page 8, line 22.

Following: "consider"

Insert: "applicable guidance from the federal environmental protection agency, as well as"

5. Page 8, line 24.

Following: "department"

Strike: "shall" through "allowing" on line 26

Insert: "may establish waste load allocations for point sources, and load allocations for nonpoint sources as set forth in subsection (8), and may allow for"

6. Page 11, line 8.

Strike: "and"

7. Page 11, line 9.

Following: "agencies"

Insert: " ; (l) the tourism industry;

(m) the hydroelectric industry, if applicable; and

(n) fishing-related businesses"

8. Page 11, line 25.

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Strike: "[Sections 2 through 5] do not"

Insert: "Nothing in [this act] may be construed to"

And, as amended, do pass. Report adopted.

HB 551, introduced bill, do pass. Report adopted.

STATE ADMINISTRATION (Denny, Chairman):

2/20/97

HB 177, introduced bill, be amended as follows:

1. Title, line 10 through line 12.

Strike: "ELIMINATING" on line 10 through "RECEIPT;" on line 12

2. Page 3, line 28.

Strike: "and" through "(1)(c)"

3. Page 4.

Strike: lines 8 and 9 in their entirety

4. Page 6, lines 10 and 22.

Strike: "\$500"

Insert: "\$200"

5. Page 7, line 2.

Following: "~~election~~"

Insert: "and within 48 hours after receiving a contribution of \$100 or more if received between the 17th day before the election and the day of the election"

And, as amended, do pass. Report adopted.

HB 440, introduced bill, be amended as follows:

2/17/97

1. Page 2, line 6.

Strike: "an"

Insert: "a primary"

2. Page 3, line 23.

Following: "unopposed"

Insert: "in the general election"

3. Page 3, line 26.

Following: "explains that"

Insert: ": (i)"

4. Page 3, line 27.

Following: "the office"

Insert: "; and

(ii) votes for "none of the above candidates" will be counted and reported, but will not be used when

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determining the winner of the election"

5. Page 5, line 11.

Following: "office."

Insert: "Votes for "none of the above candidates" will be counted and reported, but will not be used when determining the winner of the election."

6. Page 10, line 24.

Following: "office."

Insert: "Votes for "none of the above candidates" will be counted and reported, but will not be used when determining the winner of the election."

7. Page 11, line 14.

Following: "office."

Insert: "Votes for "none of the above candidates" will be counted and reported, but will not be used when determining the winner of the election."

And, as amended, do pass. Report adopted.

HB 483, introduced bill, be amended as follows:

2/19/97

1. Title, line 6.

Strike: "17-7-502,"

2. Title, line 9.

Strike: "75-5-1108,"

Following: "75-6-213"

Strike: ", "

3. Page 1, line 14 through page 2, line 12.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 4, line 20.

Following: "(33 U.S.C. 1329)."

Insert: "except a solid waste management system or resource recovery facility regulated under and defined in Title 75, chapter 10,"

5. Page 7, line 15.

Following: "permission."

Insert: "an amount equivalent to"

Following: "year's"

Insert: "drinking water state revolving fund"

6. Page 7, line 21.

Strike: "and private ~~concerns~~ persons"

7. Page 7, line 22.

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Following: "project"

Insert: "and to make loans to private persons to finance all or a portion of the cost of nonpoint source pollution control projects"

8. Page 13, line 29.

Strike: "either privately or publicly"

9. Page 13, line 30.

Following: "owned"

Insert: "by a private person or a municipality"

10. Page 15, line 5.

Strike: "company"

Insert: "other nongovernmental legal entity"

11. Page 18, line 28.

Strike: "22"

Insert: "21"

12. Page 19, line 24.

Following: "i"

Insert: "and"

13. Page 19, line 27.

Strike: "(v) payment of"

Insert: "(g) pay"

14. Page 22, lines 10 and 11.

Strike: subsection (iv) in its entirety

Renumber: subsequent subsections

15. Page 22, line 13.

Following: "i"

Strike: "and"

Insert: "or"

16. Page 23, line 6.

Strike: "22"

Insert: "21"

17. Page 23, line 11.

Strike: "department"

Insert: "program"

18. Page 25, line 28.

Strike: "privately owned"

Following: "system"

Insert: "owned by a private person"

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19. Page 27, line 20.
Strike: "75-5-1108,"
Following: "75-6-213"
Strike: ", "

20. Page 27, lines 23 and 25.
Strike: "21 through 23"
Insert: "20 through 22"

21. Page 28, line 6.
Following: "[Section"
Strike: "2"
Insert: "1"

And, as amended, do pass. Report adopted.

HB 499, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, lines 27 and 28.
Strike: "Hispanic" on line 27 through "descent" on line 28
Insert: "any ethnic minority"

3. Page 1, line 30.
Following: "affairs."
Insert: "(1)"

4. Page 2.
Following: line 1
Insert: "(2) Funding for the office and for the coordinator for ethnic affairs must be provided from the budget of the commission for human rights.
(3) The office of the coordinator for ethnic affairs must be located within the municipality in Montana with the highest total number of people of different cultures based on the latest U.S. census."

5. Page 4.
Following: line 5
Insert: "NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

HB 534, introduced bill, be amended as follows:

2/20/97

1. Title, lines 5 and 6.
Strike: "MAKING" on line 6 through "JUDGMENT;" on line 6

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2. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS 2-9-317 AND"

Strike: "REPEALING" through "MCA;"

3. Page 1, line 12.

Following: "(1)"

Insert: "(a)"

4. Page 1, line 15.

Following: "damages."

Insert: "(b)"

5. Page 1, line 16.

Following: "due."

Insert: "For purposes of this section, the interest rate must be as provided in 25-9-205."

6. Page 1.

Strike: line 21 in its entirety

Insert: "Section 2. Section 2-9-317, MCA, is amended to read:

"2-9-317. No interest if judgment paid within two years -- exception. If Except as provided in 18-1-404(1)(b), if a governmental entity pays a judgment within 2 years after the day on which the judgment is entered, no penalty or interest may be assessed against the governmental entity."

And, as amended, do pass. Report adopted.

HB 550, introduced bill, do pass. Report adopted.

2/19/97

HB 569, introduced bill, do pass. Report adopted.

2/20/97

HB 575, introduced bill, be amended as follows:

1. Page 1, line 17.

Strike: ", a ballot issue,"

And, as amended, do pass. Report adopted.

HB 579, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "PUBLIC OFFICER OR"

Insert: "STATE"

2. Page 2, line 18.

Strike: "public officer or"

Insert: "state"

And, as amended, do pass. Report adopted.

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STATE/FEDERAL RELATIONS (Curtiss, Chairman):

2/20/97

HJR 13, introduced bill, do pass. Report adopted.

HJR 14, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Strike: "AUTHORIZING" on line 6 through "SOVEREIGNTY;" on line 7

2. Page 1, line 26 through page 2, line 6.

Strike: line 26, on page 1 through line 6, on page 2 in their entirety

And, as amended, do pass. Report adopted.

HJR 25, introduced bill, be amended as follows:

1. Page 1, lines 9 and 10.

Following: "government" on line 9

Strike: the remainder of line 9 through "Nations" on line 10

Insert: "is the sole negotiator of treaties and international agreements for the United States"

2. Page 1, line 13.

Following: "agreements"

Insert: "may potentially"

3. Page 1, line 16.

Strike: "the"

Insert: "potentially"

4. Page 1, line 18.

Following: "WHEREAS,"

Strike: "the"

Insert: "some"

Strike: "invite" through "of"

Insert: "conflict with"

5. Page 1, line 27.

Strike: "inexcusable"

Insert: "excessive"

6. Page 1, lines 27 through 30.

Following: "federal" on line 27

Strike: through "lands" on line 30

Insert: "involvement"

7. Page 2, lines 10 through 12.

Strike: "move" on line 10 through "Congress" on line 12

Insert: "fulfill its obligation to the nation by carefully reading all documents that pertain to treaties and agreements and by fully examining and debating the issues that arise from changing the use of lands owned by the

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United States"

And, as amended, do pass. Report adopted.

HJR 26, introduced bill, do pass. Report adopted.

TAXATION (Hibbard, Chairman):

2/20/97

HB 536, introduced bill, be amended as follows:

1. Page 4, line 22.

Following: "aid."

Insert: "A nonqualified withdrawal constitutes income for Montana purposes to the extent it was previously deducted from income in calculating Montana individual income taxes."

2. Page 6, line 1.

Following: "law"

Insert: "or by administrative rule"

3. Page 13, line 30.

Strike: "principal and income in"

Insert: "money, not exceeding \$3,000 for each taxpayer, contributed to"

4. Page 14, line 1.

Following: "section 4]"

Strike: "or"

Insert: "; (l) principal"

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

HB 561, introduced bill, be amended as follows:

1. Page 14, lines 3 through 6.

Strike: "(A)" on lines 3 and 4

Strike: ";" on line 4 through "employer" on line 6

2. Page 15, lines 19 and 20.

Following: "employer" on line 19

Insert: "for employees,"

Strike: "pursuant" on line 19 through "employees" on line 20

3. Page 15, line 21.

Following: "pension"

Insert: "pursuant to a qualified plan as defined under the provisions of the Internal Revenue Code"

4. Page 25, line 26.

Strike: "(1)(b)"

Insert: "(1)(a)"

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5. Page 27, lines 21 through 24.

Strike: ":(A)" on lines 21 and 22

Strike: "i" on line 22 through "employer" on line 24

6. Page 27, lines 26 and 27.

Following: "employer"

Insert: "for employees"

Strike: "under" on line 26 through "employees" on line 27

7. Page 27, line 29.

Following: "pension"

Insert: "pursuant to a qualified plan as defined under the provisions of the Internal Revenue Code"

8. Page 35, line 5.

Strike: "of revenue"

9. Page 39, line 8.

Following: the first "such"

Insert: "instructional, research, or principal administrative"

10. Page 41, line 6.

Strike: "severance or continuance pay,"

Strike: ", and"

Insert: "or"

11. Page 41, lines 11 through 14.

Strike: ":(i)" on lines 11 and 12

Strike: "i" on line 12 through "employer" on line 14

12. Page 41, lines 26 and 27.

Following: "employer"

Insert: "for employees"

Strike: "under" on line 26 through "providing" on line 27

13. Page 41, line 28.

Following: "pension"

Insert: "pursuant to a qualified plan as defined under the provisions of the Internal Revenue Code"

14. Page 49, lines 2 through 5.

Strike: ":(A)" on lines 2 and 3

Strike: "i" on line 3 through "employer" on line 5

15. Page 49, lines 22 and 23.

Following: "employer" on line 22

Insert: "for employees"

Strike: "under" on line 22 through "employees" on line 23

16. Page 49, line 24.

Following: "pension"

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Insert: "pursuant to a qualified plan as defined under the provisions of the Internal Revenue Code"

And, as amended, do pass. Report adopted.

TRANSPORTATION (Anderson, Chairman):
HB 267, introduced bill, be amended as follows:

2/20/97

1. Page 1, line 10.

Following: the enacting clause

Insert: "NEW SECTION. Section 2. Purpose. The legislature finds that:

- (1) amusement rides are used by a large number of Montana's citizens and attract a large number of nonresidents, significantly contributing to Montana's tourist industry and tax base;
- (2) the safety of the public using amusement rides is an important matter of public policy;
- (3) there are inherent risks associated with the machinery, equipment, or animals that are impracticable or impossible for an amusement ride owner or operator to eliminate with all reasonable safety precautions;
- (4) an informed patron is in the best position to avoid the risks inherent to amusement rides; and
- (5) the safety of amusement rides will be greatly improved at minimal cost if riders are subject to minimum safety standards for their own protection and the protection of others."

Renumber: subsequent sections

3. Page 1, line 27.

Strike: the second "and"

4. Page 1, line 29.

Following: "accidents"

Insert: "; (3) ensure that when supervising or operating a ride, the operator or an employee of the operator is not under the influence of alcohol or drugs to the point that the operator's or employee's ability to supervise or operate the ride is diminished; and

(4) post in a conspicuous place near the entrance to each ride an easily readable sign that lists the passenger responsibilities and prohibitions contained in [section 4], as well as additional language or another sign that includes:

- (a) operational instructions, if any;
- (b) safety guidelines for riders, if any;
- (c) restrictions on the use of the amusement ride, if any;
- (d) behavior or activities that are prohibited, if any; and
- (e) the following statement: "State law requires riders and passengers to obey all warnings and directions for this ride and behave in a manner that will not cause or contribute to injury to themselves or others. Riders must report injuries before leaving the premises. Failure to comply is punishable by a fine or imprisonment, or both."

5. Page 2, line 16.

Following: "an"

Insert: "operator or an"

6. Page 3, line 1.

Following: "report"

Insert: "in writing"

Following: "operator"

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Strike: "within a reasonable time"

Insert: "before leaving the amusement ride premises,"

7. Page 3, line 3.

Following: "operator"

Insert: "or to the owner of the premises where the amusement ride was located at the time of the injury"

8. Page 3, line 5.

Following: "occurred"

Insert: ", including the date, approximate time, location, and amusement ride upon which the injury occurred"

9. Page 3, line 11.

Insert: "NEW SECTION. Section 7. Penalty. If a person willfully violates any of the provisions of [sections 1 through 6], the person is guilty of a misdemeanor and, upon conviction, is subject to a fine not to exceed \$500 or imprisonment not to exceed 6 months or both."

And, as amended, do pass. Report adopted.

HB 362, introduced bill, be amended as follows:

1. Title, line 7.

Following: "HIGHWAYS"

Strike: "WITHIN THEIR RESPECTIVE JURISDICTIONS"

Following: ",'"

Insert: "PLACING ADDITIONAL CONDITIONS ON AGREEMENTS WITH TRIBAL GOVERNMENTS;"

2. Page 1, line 24.

Strike: "within their respective jurisdictions"

3. Page 1, line 25.

Following: " _ "

Insert: "Agreements with tribal governments to exchange maintenance duties on portions of roads or public highways must contain, in addition to other appropriate terms and conditions, the following conditions:

- (a) a requirement that in the event a dispute arises under the agreement, state law will govern as to the interpretation and performance of the agreement and that any judicial proceeding concerning the terms of the agreement must be brought in the district court of the first judicial district of the state of Montana;
- (b) an express waiver of sovereign immunity signed by the tribal government; and
- (c) an express waiver of any right to exhaust tribal remedies signed by the tribal government."

4. Page 1, line 28.

Following: line 27

Insert: "(4) The agreements authorized in this section must comply with Title 7, chapter 11, part 1, the Interlocal Cooperation Act, or with Title 18, chapter 11, the State-Tribal Cooperative Agreements Act."

And, as amended, do pass. Report adopted.

HB 466, introduced bill, be amended as follows:

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1. Page 1, line 20.

Strike: "set pursuant to this part"

Insert: "on a highway under the department's jurisdiction"

2. Page 1, line 22.

Following: "request"

Insert: "at its own expense"

3. Page 1, line 26.

Strike: "four"

Insert: "two"

Following: "counties"

Insert: ", as authorized by 7-5-2141 and 7-5-4141,"

4. Page 2, line 1.

Strike: "or the engineer"

5. Page 2, line 3.

Strike: "report"

Insert: "investigation"

Following: "submitted"

Insert: "to the department"

And, as amended, do pass. Report adopted.

HB 554, introduced bill, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/19/97

SB 219, introduced by Franklin

SB 220, introduced by Swysgood

SB 224, introduced by Cole

SB 257, introduced by DePratu

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 586, introduced by Swanson, referred to Committee on Taxation.

HB 587, introduced by Swanson, referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business

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on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 203 - Representative R. Johnson moved HB 203 do pass.

Representative R. Johnson moved HB 203, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 6.

Following: "involve"

Insert: "court services, the department, and"

2. Page 9, line 13.

Following: "5"

Insert: "working"

3. Page 12, lines 22 through 24.

Strike: "or"

Insert: "and"

Following: "specified"

Strike: the remainder of line 22 through "granted" on line 24

Insert: "for a show cause hearing"

4. Page 12, line 26.

Following: "order."

Insert: "At the show cause hearing, the court shall provide an opportunity for a parent or guardian, if present, and any other person having relevant knowledge to provide relevant testimony. The court may consider all relevant evidence in accordance with the rules of civil procedure as modified by this part, but may in its discretion limit testimony and evidence to only that which is relevant to the issues of removal from the home and the child's need for continued protection. The court may amend the order."

5. Page 12.

Following: line 29

Insert: "(d) If the child is not returned home after the show cause hearing, the person served may request that a local citizen review board, if available pursuant to part 10, review the case within 30 days of the show cause hearing and make a recommendation to the district court as provided in 41-3-1011."

Renumber: subsequent subsection

6. Page 14, line 18.

Following: "26-1-803"

Insert: "and the mediator privilege granted by 26-1-811"

7. Page 15, line 24.

Strike: "WOULD BE DETRIMENTAL"

Insert: "detriment"

8. Page 16.

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Following: line 13

Insert: "(6) If an extension of temporary legal custody is granted to the department, the court shall state the reasons why the child was not returned home and the conditions upon which the child may be returned home."

Renumber: subsequent subsection

9. Page 21.

Following: page 20, line 30

Insert: "(3) At least 3 days prior to the permanency plan hearing, an attorney or advocate for a parent or guardian may submit an informational report to the court for review."

Renumber: subsequent subsections

10. Page 23, line 5.

Following: "the"

Insert: "identity of the"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Molnar moved HB 203, second reading copy, be further amended (amendment #2). Motion failed as follows: (39-57)

Motion that HB 203 do pass, as amended, carried as follows:

Ayes: Anderson, Arnott, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 79

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Noes: Adams, Ahner, Barnett, Boharski, Brainard, Clark, Curtiss, DeBruycker, Feland, Jore, McGee, Molnar, Orr, Prouse, Rehbein, Simpkins, Vick, Wagner, Wells.
Total 19

Excused: None.
Total 0

Absent or not voting: Grinde, Raney.
Total 2

HB 231 - Representative Barnhart moved HB 231 do pass.

Representative Sliter assumed the Chair at this time.

Representative Mercer moved HB 231, second reading copy, be amended as follows (amendment #1):

1. Page 21, lines 28 and 29.

Strike: "MAY"

Insert: "shall"

Following: "SEALED"

Strike: remainder of line 28 through "CHILD" on line 29

Insert: "except for access by the parents, guardian, or other person having custody of the child"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Paylovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Brainard, Kasten.
Total 2

Motion that HB 231 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bohlinger, Bookout, Carey, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener,

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Total 78

Noes: Adams, Arnott, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, Devaney, Hayne, Jore, Kasten, McGee, Orr, Prouse, Simpkins, Sliter, Vick, Wagner, Wells.

Total 21

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

Representative Grimes resumed the Chair at this time.

HB 363 - Representative Anderson moved HB 363 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Brainard, Denny, Heavy Runner, Simpson, Squires.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 394 - Representative Grinde moved HB 394 do pass.

Representative Grinde moved HB 394, second reading copy, be amended as follows (amendment #1):

1. Title, line 10.

Following: "GOVERNOR"

Insert: ", BOARD OF REGENTS, OR OTHER APPROPRIATE ELECTED STATE OFFICIAL"

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2. Page 1, line 21.

Following: "governor"

Insert: ", board of regents,"

3. Page 2, line 4.

Strike: "of the governor"

Amendment #1 passed carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Jore, Prouse.

Total 2

Excused: None.

Total 0

Absent or not voting: Dowell, Hurdle, McGee, Tuss.

Total 4

Representative Jore moved HB 394, second reading copy, be further amended (amendment #2). Motion failed as follows: (32-68)

Representative Sliter assumed the Chair at this time.

Motion that HB 394 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Prouse, Quilici, Raney, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Carey, Ellingson, Ewer, Hagener, Harrington, J. Johnson, McCulloch, Pavlovich, Peck, Ream, Sands, Simpson, Swanson, Tuss, Wyatt.

Total 15

Excused: None.

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Total 0

Absent or not voting: Ryan, Schmidt, Whitehead.

Total 3

Representative Grimes resumed the Chair at this time.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved that the Committee of the Whole report be adopted. Report adopted. (90-6)

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 139 passed as follows:

Ayes: Ahner, Anderson, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Bankhead, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Feland, Grinde, Hayne, Jore, Masolo, McGee, Orr, Prouse, Rehbein, Sliter, Smith, Wagner, Walters, Wells.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 156 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Quilici, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Adams, Arnott, Barnhart, Bergsagel, Boharski, Brainard, Carey, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Harper, Heavy Runner, Hurdle, J. Johnson, Jore, Kasten, Keenan, Kottel, McCulloch, Pavlovich,

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Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Swanson, Taylor, Tropila, Tuss, Vick, Whitehead, Wyatt.

Total 43

Excused: None.

Total 0

Absent or not voting: Hagener.

Total 1

HB 315 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Adams, Arnott, Bergman, Boharski, Brainard, Clark, Jore, Kasten, Keenan, Masolo, McGee, Prouse, Rehbein, Sliter, Squires, Wells.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 333 passed as follows:

Ayes: Ahner, Barnhart, Bitney, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Feland, Grinde, M. Hanson, Hayne, Jore, Keenan, Knox, Marshall, Molnar, Orr, Prouse, Rehbein, Simon, Sliter, Story, Vick, Wagner, Wells.

Total 33

Excused: None.

Total 0

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Absent or not voting: None.
Total 0

HB 437 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Ryan, Simpkins, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Arnott, Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, McCann, McCulloch, Pease, Peck, Raney, Ream, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Swanson, Tropila, Tuss, Wyatt.

Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 486 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Hagener.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 501 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 506 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 99

Noes: McGee.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 507 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner,

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Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 94

Noes: Clark, Heavy Runner, Hurdle, McGee, Smith.
Total 5

Excused: None.
Total 0

Absent or not voting: Bitney.
Total 1

HB 521 passed as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 90

Noes: Arnott, Feland, Jore, Kasten, Keenan, McGee, Orr, Smith, Vick, Wagner.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

HB 139 - Representative Wells moved he be allowed to change his vote on HB 139, third reading, from aye to nay. Motion carried.

HB 346 - Representative Tropila moved HB 346 be taken from the table in the Committee on Judiciary, printed, and placed on second reading this legislative day. Motion carried. (77-21)

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Friday, February 21, 1997. Motion carried.

House adjourned at 3:18 p.m.

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John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 21, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Trexler. Pledge of Allegiance to the Flag.

Roll call. All members present except Representative Devaney, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/21/97

Correctly printed for second reading: HB 546, HB 560, HB 564, HB 575, HB 517, HB 519, HB 524, HB 534, HB 536, HB 542, HB 543, HB 440, HB 466, HB 483, HB 499, HB 217, HB 252, HB 267, HB 303, HB 362, HB 78, HB 160, HB 177, HB 159, HB 224, HB 299, HB 523, HB 531, HB 550, HB 551, HB 554, HB 569, HB 571, HB 577, HJR 14, HJR 25, HJR 13, HJR 26.

Correctly engrossed for third reading: HB 394, HB 231, HB 203, HB 363.

Delivered to the Governor for his approval at 9:50 a.m., February 21, 1997: HB 24, HB 32, HB 59, HB 96, HB 87, HB 88, HB 81, HB 132, HB 36.

FISH, WILDLIFE, & PARKS (Wagner, Chairman):

2/21/97

SB 63, be concurred in. Report adopted.

SB 115, be concurred in. Report adopted.

HUMAN SERVICES (Grimes, Chairman):

2/21/97

HB 371, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES"

Insert: "FAMILIES ACHIEVING INDEPENDENCE IN MONTANA (FAIM) FINANCIAL ASSISTANCE"

2. Title, lines 12 and 13.

Strike: "TEMPORARY" on line 12 through "FAMILIES" on line 13

Insert: "FAIM FINANCIAL ASSISTANCE"

3. Title, lines 13 and 14.

Strike: "TEMPORARY" on line 13 through "FAMILIES" on line 14

Insert: "FAIM FINANCIAL ASSISTANCE"

4. Title, lines 15, 17, 20, and 25.

Strike: "TEMPORARY ASSISTANCE FOR NEEDY FAMILIES"

Insert: "FAIM FINANCIAL ASSISTANCE"

5. Page 2, line 11.

Strike: "state general assistance (GA) and federal"

6. Page 2, line 12.

Strike: "temporary assistance for needy families"

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Following: "recipients"

Insert: "of FAIM financial assistance, as defined in 53-2-902,"

7. Page 3, line 11.

Following: "receive"

Insert: "financial"

8. Page 3, line 12.

Strike: "program for"

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance, as defined in 53-2-902,"

9. Page 3, lines 24 and 25.

Strike: "temporary" on line 24 through "benefits" on line 25

Insert: "FAIM financial assistance, as defined in 53-2-902,"

10. Page 5, line 6.

Following: "~~children~~,"

Insert: "FAIM financial assistance, as defined in 53-2-902,"

11. Page 5, line 9.

Strike: "the temporary assistance for needy families program"

Insert: "other programs as necessary to strengthen and preserve families"

12. Page 5, line 26 and page 6, line 10

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance, as defined in 53-2-902,"

13. Page 7, lines 1 and 2.

Strike: "the" on line 1 through "program" on line 2

Insert: "FAIM financial assistance, as defined in 53-2-902,"

14. Page 7, line 8 and page 8, line 5.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance, as defined in 53-2-902,"

15. Page 8, lines 28 and 29.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance, as defined in 53-2-902,"

16. Page 9, lines 3, and 4.

Strike: "temporary" on line 3 through "benefits" on line 4

Insert: "FAIM financial assistance, as defined in 53-2-902,"

17. Page 9, line 8.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance, as defined in 53-2-902,"

18. Page 10, lines 24 and 25.

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Strike: "temporary" on line 24 through "benefits" on line 25
Insert: "FAIM financial assistance"

19. Page 11, lines 16 and 17.
Strike: "temporary" on line 16 through "benefits" on line 17
Insert: "FAIM financial assistance"

20. Page 11.
Following: line 17
Insert: "(3) "FAIM financial assistance" means the program that provides participants in the job supplement program, pathways program, and community services program of the FAIM project with benefits that may include cash, services, and noncash assistance."
Renumber: subsequent subsections

21. Page 11, line 19.
Strike: "temporary assistance for needy families"
Insert: "FAIM financial assistance"

22. Page 12, line 4.
Strike: "temporary assistance for needy families"
Insert: "FAIM financial assistance"

23. Page 12, line 11.
Strike: "nutrition"
Insert: "consumer"

24. Page 13, line 4.
Strike: "temporary assistance for needy families"
Insert: "FAIM financial assistance, as defined in 53-2-902"

25. Page 13, line 30.
Following: "(2)"
Insert: "(a)"
Following: "÷"
Insert: ":"

26. Page 14, line 1.
Following: "(i)"
Insert: "(i)"
Following: "~~or~~"
Insert: "; or"

27. Page 14, lines 6 and 7.
Strike: "who" on line 6 through "department" on line 7
Insert: "(ii) a person under 19 years of age who is a student, as defined by the department by rule.
(b) The person described in subsection (2)(a)(i) or (2)(a)(ii) must be living with a specified caretaker relative, as defined by the department by rule"

28. Page 14.

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Following: line 7

Insert: "(3) "FAIM financial assistance" means the program that provides participants in the job supplement program, pathways program, and community services program of the FAIM project with benefits that may include cash, services, and noncash assistance."

Renumber: subsequent subsections

29. Page 14, lines 9 and 10.

Strike: "The" on line 9 through "project." on line 10

30. Page 14.

Following: line 21

Insert: "(9) "State plan" means the policies and procedures governing the state of Montana's FAIM financial assistance program and other programs funded by temporary assistance for needy families. It is prepared by the department and certified by the federal agency that provides funding for those programs."

Renumber: subsequent subsections

31. Page 14, lines 22 through 28.

Strike: "program" on line 22 through "project" on line 28

Insert: "federal block grant that funds FAIM financial assistance and other programs to strengthen and preserve families pursuant to Title IV of the Social Security Act, 42 U.S.C. 601, et seq., as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996"

32. Page 14, line 29 through page 15, line 2.

Strike: subsection (9) in its entirety

33. Page 15, lines 5 and 6.

Strike: "Temporary" on line 5 through "program" on line 6

Insert: "FAIM financial assistance"

34. Page 15, lines 6 and 7.

Strike: "temporary" on line 6 through "families" on line 7

35. Page 15, line 7.

Strike: "operation of"

36. Page 15, lines 7 and 8.

Strike: "the" on line 7 through "program" on line 8

Insert: "programs described in the state plan"

37. Page 15, line 11.

Following: "the"

Insert: "programs funded under the"

Strike: "program"

Insert: "block grant"

38. Page 15, line 13.

Strike: "temporary assistance for needy families"

39. Page 15, line 17.

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Following: "in"

Insert: "a program that is funded by"

40. Page 15, line 18.

Strike: "program operated"

Insert: "block grant administered"

41. Page 15, line 19.

Strike: "temporary assistance for needy families"

Following: "benefits"

Insert: "funded by the temporary assistance for needy families block grant"

42. Page 15, line 22.

Following: "~~children~~"

Insert: "programs funded under"

43. Page 15, line 23.

Strike: "program"

Insert: "block grant"

44. Page 15, line 24.

Following: "~~children~~"

Insert: "programs funded under"

45. Page 15, line 25.

Strike: "program"

Insert: "block grant"

46. Page 15, lines 29 and 30.

Following: "~~children~~"

Insert: "FAIM financial assistance program and other programs funded under the"

Strike: "program, including the FAIM project"

Insert: "block grant"

47. Page 16, line 22.

Following: "pathways"

Insert: "and the community services program"

48. Page 17, line 11.

Strike: "emergency assistance"

Insert: "other programs to strengthen and preserve families"

49. Page 17, line 20.

Following: "the"

Insert: "FAIM financial assistance and other programs funded under the"

50. Page 17, line 21.

Strike: "program"

Insert: "block grant"

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51. Page 17, line 26.

Following: "~~children~~"

Insert: "programs funded under"

Strike: "program"

Insert: "block grant"

52. Page 18, lines 26 through 30.

Strike: "notify" on line 26 through "period" on line 30

Insert: "comply with requirements for reporting the absence of a dependent child from the specified caretaker relative's home as prescribed by the department by rule"

53. Page 19, line 13.

Following: "convicted"

Insert: "after August 22, 1996,"

54. Page 19, line 17.

Following: the first "in"

Insert: "a program funded under"

Strike: "program"

Insert: "block grant"

55. Page 19, line 21.

Following: "under"

Insert: "programs funded by"

56. Page 19, line 22.

Strike: "program"

Insert: "block grant"

57. Page 20, lines 5, 11, and 18.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance"

58. Page 20, line 14.

Strike: "program"

59. Page 21, lines 22 and 23.

Strike: "temporary" on line 21 through "benefits" on line 23

Insert: "FAIM financial assistance"

60. Page 21, line 28.

Strike: "temporary assistance for needy families"

Insert: "FAIM financial assistance"

61. Page 22, line 5.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance"

62. Page 22, lines 12 and 19 and 20.

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Strike: "temporary assistance for needy families program"
Insert: "FAIM financial assistance"

63. Page 23, line 16.
Strike: "60-month"
Insert: "time"

64. Page 23, line 22.
Following: "months"
Insert: "or longer period, as specified by department rule,"

65. Page 23, line 23.
Strike: "60-month"
Insert: "time"

66. Page 24, lines 8 and 10.
Strike: "temporary assistance for needy families benefits"
Insert: "FAIM financial assistance"

67. Page 24, line 18.
Strike: "temporary" through "benefits"
Insert: "FAIM financial assistance"

68. Page 25, lines 10 and 11.
Strike: "temporary" on line 10 through "benefits" on line 11
Insert: "FAIM financial assistance"

69. Page 25, line 17.
Strike: "temporary assistance for needy families benefits"
Insert: "FAIM financial assistance"

70. Page 26, line 10.
Strike: "Sanction for"
Insert: "Results of"

71. Page 26, line 12.
Strike: "either"
Following: "agreement"
Strike: "or"
Insert: ", the individual is ineligible for FAIM financial assistance. If an individual is required to enter into a family investment agreement pursuant to 53-4-606 and fails without good cause"

72. Page 26, line 21.
Strike: "All recipients"
Insert: "Recipients"

73. Page 26, line 22.
Strike: "temporary assistance for needy families benefits"
Insert: "FAIM financial assistance"

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74. Page 26, line 23.

Following: "are"

Insert: "not"

75. Page 26, lines 23 and 24.

Strike: ", regardless" on line 23 through "meet" on line 24.

Insert: "but are eligible only if they satisfy"

76. Page 26, lines 24 and 25.

Strike: ", unless" on line 24 through "law" on line 25

77. Page 27, line 19 and page 28, line 10.

Strike: "temporary" through "benefits" or "benefits"

Insert: "FAIM financial assistance"

78. Page 28.

Following: line 20

Insert: "(2) "FAIM financial assistance" means the program that provides participants in the job supplement program, pathways program, and community services program of the FAIM project with benefits that may include cash payments, services, and noncash assistance."

Re-number: subsequent subsections

79. Page 28, line 27.

Strike: subsection (3) in its entirety

80. Page 29, line 12.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance"

81. Page 30, lines 3 and 4.

Strike: "temporary" on line 3 through "benefits" on line 4

Insert: "FAIM financial assistance"

82. Page 30, lines 10 and 11.

Strike: "temporary" on line 10 through "benefits" on line 11

Insert: "FAIM financial assistance"

83. Page 30, line 11.

Strike: "either"

Strike: "or community service program"

84. Page 30, lines 23 and 24.

Strike: "temporary" on line 23 through "benefits" on line 24

Insert: "FAIM financial assistance"

85. Page 32, lines 25 and 26.

Strike: "temporary" on line 25 through "benefits" on line 26

Insert: "FAIM financial assistance, as defined in 53-4-702,"

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86. Page 32, line 28.

Strike: "temporary assistance for needy families"

Following: "program"

Insert: "of FAIM financial assistance, as defined in 53-4-702"

87. Page 33, line 3.

Following: "pregnant"

Insert: ", meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq.,
or is less than 21 years of age"

88. Page 35, lines 3 and 4.

Strike: "temporary" on line 3 through "families" on line 4

Following: "benefits"

Insert: "from FAIM financial assistance, as defined in 53-4-702,"

89. Page 35, line 21.

Strike: "temporary assistance for needy families"

Insert: "from FAIM financial assistance, as defined in 53-4-702,"

90. Page 35, line 28.

Strike: "temporary assistance for needy families"

Following: ", "

Insert: "as defined in 53-4-201,"

91. Page 37, line 2.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance, as defined in 53-4-702,"

92. Page 37, lines 4 and 5.

Strike: "temporary" on line 4 through "families" on line 5

Following: "program"

Insert: "of FAIM financial assistance"

93. Page 37, line 5.

Following: "pregnant"

Insert: ", meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq.,
or is less than 21 years of age"

94. Page 38, line 1.

Strike: "temporary assistance for needy families"

Insert: "FAIM financial assistance"

95. Page 38, line 15.

Strike: "temporary assistance for needy families benefits"

Insert: "FAIM financial assistance, as defined in 53-4-702,"

And, as amended, do pass. Report adopted.

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HB 386, introduced bill, be amended as follows:

1. Page 3, line 19.

Strike: "Before an"

Insert: "An"

2. Page 3, lines 20 and 21.

Strike: ", that" on line 20 through the fist "department" on line 21

3. Page 3, line 21.

Strike: "shall provide documentation"

Insert: "may require an affidavit"

4. Page 3, lines 21 and 22.

Strike: "acceptance" on line 21 through "registration" on line 22

Insert: "status"

5. Page 3, lines 22 through 24.

Strike: "department's" on line 22 through "sought" on line 24

Insert: "affidavit to those persons who have a need to know, as established by law"

6. Page 3, line 25.

Strike: "Before a"

Insert: "A"

Strike: ", the"

Insert: ". The"

Strike: "shall"

Insert: "may"

7. Page 3, lines 26 through 28.

Strike: "and shall" on line 26 through "advocates" on line 28

8. Page 3, line 29.

Strike: "the corporation's acceptance as"

Insert: "its receipt of a properly completed registration form for"

9. Page 4, line 1.

Strike: "acceptance"

Strike: "and all accompanying documentation"

10. Page 4, lines 5 and 6.

Strike: "list of potential family advocates"

Insert: "copy of [sections 1 through 10], 41-3-205, and 41-5-603"

11. Page 4, line 7.

Strike: "Immediately"

Insert: "Promptly"

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12. Page 4, line 9.

Following: "filed"

Insert: ", allegations made,"

13. Page 4, line 12.

Following: "consider"

Insert: "and record"

14. Page 4, line 17.

Strike: "shall present to"

Insert: "may prepare for"

Strike: "contains, at a minimum"

Insert: "may contain"

15. Page 4, line 29.

Strike: "shall"

Insert: "may"

Following: "."

Insert: "Before allowing a visit, the family advocate shall meet with appropriate personnel of the department. The department personnel shall assess the purpose of the visit and may determine and review questions to be asked or statements to be made by the family advocate. If the department personnel believe that the presence of the family advocate would adversely impact the child, the family advocate may be prevented by the department from meeting with the child and the family may choose an advocate acceptable to the department."

And, as amended, do pass. Report adopted.

HB 558, introduced bill, do pass. Report adopted.

2/20/97

HB 573, introduced bill, be amended as follows:

2/21/97

1. Page 2, line 8.

Strike: ", but is primarily concerned with"

Insert: "and"

2. Page 2, line 14.

Following: "assault,"

Insert: "either physical or emotional, other physical abuse, or"

3. Page 2, lines 14 and 15.

Strike: ", or" on line 14 through "abuse" on line 15

4. Page 2, line 16.

Strike: "habitual use or"

5. Page 2, line 30.

Strike: "clear and convincing"

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6. Page 4, line 6.

Following: "~~collusion,~~"

Insert: "connivance, collusion,"

7. Page 4, lines 24 and 25.

Strike: ", supported" on line 24 through "evidence," on line 25

8. Page 8, line 1.

Strike: "The reduction must be at least 20% of the marital estate."

9. Page 9, line 12.

Following: "1."

Insert: "and"

10. Page 9, lines 13 and 14.

Strike: "; and" on line 13 through "parent" on line 14

And, as amended, do pass. Report adopted.

HB 582, introduced bill, be amended as follows:

1. Page 3.

Following: line 1

Insert: "(6) If the department establishes a health information network, the department shall adopt by rule a confidentiality code to ensure that information received by the network is maintained and used according to state law governing confidential health care information."

And, as amended, do pass. Report adopted.

JUDICIARY (Clark, Chairman):

2/20/97

HB 276, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

Insert: "CHILD SUPPORT ENFORCEMENT DIVISION IN A CASE UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT"

Following: "RECEIVES A "

Insert: "WRITTEN"

2. Title, line 7.

Strike: "IMMEDIATELY"

Insert: "PROMPTLY"

3. Page 2, line 6.

Strike: "department"

Insert: "child support enforcement division in a case under Title IV-D of the Social Security Act"

4. Page 2, line 6.

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Following: "receives a"

Insert: "written"

5. Page 2, line 7.

Strike: "immediately"

Insert: "promptly"

And, as amended, do pass. Report adopted.

HB 306, introduced bill, be amended as follows:

2/21/97

1. Page 1, line 17.

Following: line 16

Insert: "(1) Prior to the adoption of a state rule or local government ordinance or rule the application of which might substantially and disproportionately reduce the fair market value of one or more parcels of real estate for existing legal uses, the jurisdiction proposing the rule or ordinance shall consider the guidelines and checklist developed by the attorney general under 2-10-104."

Renumber: subsequent subsections

2. Page 1, line 19.

Following: "ordinance"

Insert: "or rule"

3. Page 1, line 20.

Strike: "abate a public nuisance that affects"

Insert: "further"

4. Page 2, line 2.

Strike: "If"

Insert: "(a) Except as provided in subsection (1)(b), if"

Following: "new"

Strike: ", "

Insert: "or"

Following: "amended"

Strike: ", or existing"

Following: "ordinance"

Insert: "or rule"

5. Page 2, line 6.

Following: line 5

Insert: "(b) The following applications of new or amended state rules or local government ordinances or rules are exempt from the provisions of [sections 1 through 6]:

- (i) an application that abates a public nuisance that impairs the public health, safety, welfare, or morals;
- (ii) an application that prevents a prospective public nuisance that would impair the public health, safety, welfare, or morals;
- (iii) an application of a zoning or land use planning ordinance or rule;
- (iv) an application that results in the issuance of a use permit;
- (v) an application needed to implement a federal statute or regulation or a federal or state court opinion;

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or

(vi) an application of an ordinance or rule invalidated or found unconstitutional by a court."

6. Page 2, line 23.

Insert: "(6) The court may award the prevailing party costs and reasonable attorney fees in a proceeding under [sections 1 through 6]."

And, as amended, do pass. Report adopted.

HB 453, introduced bill, be amended as follows:

1. Title, line 4.

Following: "REVISING"

Insert: "AND EXPANDING THE REACH OF"

2. Title, line 5.

Following: "MINORS;"

Insert: "AND"

Following: "45-8-205"

Insert: ", 45-8-207,"

3. Title, lines 5 and 6.

Strike: "; AND REPEALING" on line 5 through "MCA" on line 6

4. Page 1, line 15.

Strike: ", taken as a whole,"

5. Page 1, line 17.

Strike: "it has" through "to appeal"

Insert: "the average person applying contemporary community standards would find that, taken as a whole, it appeals"

6. Page 1, line 19.

Following: "(b)"

Insert: "the average person would find that"

7. Page 1, line 20.

Following: "contemporary"

Insert: "community"

8. Page 1, line 22.

Following: "(c)"

Insert: "a reasonable person would find that, taken as a whole,"

9. Page 1, lines 27 and 28.

Strike: "(except" on line 27 through "America)" on line 28

10. Page 1, line 29.

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Strike: "an unmarried"

Insert: "a"

11. Page 1, line 30.

Strike: subsection (4) in its entirety

Renumber: subsequent sections

12. Page 2, lines 4 and 5.

Strike: "(except" on line 4 through "America)" on line 5

13. Page 2, line 10.

Strike: the first "or"

Insert: ", "

Following: "morbid"

Insert: ", lascivious, unhealthy, or lustful"

14. Page 2, line 26.

Strike: "having" through "newsstand"

15. Page 3, line 8.

Strike: "or married"

16. Page 3, lines 11 and 12.

Strike: "or" on line 11 and "married" on line 12

17. Page 3, lines 13 through 19.

Strike: subsections (b) and (c) in their entirety

Renumber: subsequent subsection

18. Page 3, line 20.

Strike: "bona fide scientific or medical"

Insert: "serious literary, scientific, artistic, or political"

Following: "purpose for"

Insert: "a minor at"

19. Page 3, line 24.

Insert: "(3) Evidence is admissible to show motion picture association of america ratings of a movie or videotape."

20. Page 3, line 25.

Strike: section 3 of the bill in its entirety

Insert: "Section 3. Section 45-8-207, MCA, is amended to read:

"45-8-207. Notice of violation. Before a county attorney may prosecute a person for a continuing violation of 45-8-206, ~~he the county attorney shall determine that there is probable cause to believe that the material or performance is obscene harmful to minors, give the alleged violator person actual notice of the determination, and notice that he will be prosecuted if he does not desist, and determine that the violation continued for at least 3 days after notice was received. The person may seek a declaratory judgment on the question whether the material or performance is obscene to minors. The statute of limitations for the offense is tolled while the declaratory judgment or an appeal from it is pending~~ inform the person that the person should obtain the advice of an attorney as to whether the material or performance is harmful to

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minors in violation of 45-8-206."

And, as amended, do pass. Report adopted.

HB 540, introduced bill, be amended as follows:

2/20/97

1. Title, lines 6 and 7.

Strike: "PROVIDING" on line 6 through "PAID;" on line 7

2. Page 6, lines 19 and 20.

Strike: ", and the" on line 19 through "paid" on line 20

And, as amended, do pass. Report adopted.

HB 553, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "and"

Insert: "reasonable"

2. Page 1, line 14.

Following: "party"

Insert: "in the trial or other initial proceeding and to the prevailing party in any appeal"

And, as amended, do pass. Report adopted.

HB 572, introduced bill, be amended as follows:

1. Title, line 6.

Following: "SUE;"

Insert: "PROVIDING THAT NO AMOUNT OF CONTRIBUTORY FAULT BARS RECOVERY; "

2. Page 5, lines 16 through 18.

Strike: "if" on line 16 through "nonparties" on line 18

3. Page 8, line 29 through line 2 of page 9.

Strike: section 9 of the bill in its entirety

Insert: "NEW SECTION. Section 9. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/20/97

SB 259, introduced by Bowman Shea

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SB 263, introduced by Bishop
SB 269, introduced by Bartlett
SB 283, introduced by Burnett
SB 289, introduced by Eck
SB 310, introduced by Grosfield
SB 329, introduced by Halligan

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 588, introduced by Taylor, Cole, Jabs, Mercer, Masolo, M. Hanson, Holland, referred to Committee on Appropriations.
HB 589, introduced by Ream, Harper, Carey, Rose, Swanson, Bohlinger, Galvin, referred to Committee on Taxation.
HB 590, introduced by H. Hanson, Keenan, referred to Committee on Taxation.
HB 591, introduced by Arnott, referred to Committee on Taxation.

The following Senate bills were introduced, read first time, and referred to committee:

SB 112, introduced by Van Valkenburg, (by request of the State Auditor) referred to Committee on Business & Labor.
SB 155, introduced by Hertel, referred to Committee on Education.
SB 181, introduced by Hargrove, referred to Committee on Business & Labor.
SB 201, introduced by Glaser, Kottel, Ellis, Clark, Brainard, Keating, Mood, Adams, Orr, Simon, Smith, Knox, Hayne, Jore, Cobb, Bitney, Ahner, Lawson, Sliter, Bergman, Denny, Tash, Curtiss, Anderson, Holland, Bankhead, Beaudry, Taylor, Simpson, Stovall, Emerson, Barnett, Bookout-Reinicke, Cole, Foster, Devlin, Wagner, Wiseman, Feland, referred to Committee on Judiciary.
SB 214, introduced by Eck, Barnhart, referred to Committee on Transportation.
SB 226, introduced by Doherty, referred to Committee on Business & Labor.
SB 233, introduced by DePratu, Sliter, Harp, Bitney, Lawson, Mahlum, Keenan, Denny, Mills, McNutt, Thomas, Taylor, referred to Committee on Business & Labor.
SB 239, introduced by Beck, referred to Committee on Business & Labor.
SB 240, introduced by Beck, Grady, Hibbard, Mesaros, Bartlett, Waterman, referred to Committee on Education.
SB 244, introduced by Toews, referred to Committee on Education.
SB 245, introduced by Devlin, Harp, referred to Committee on Business & Labor.
SB 246, introduced by Beck, Lynch, Clark, Ryan, Harrington, Cocchiarella, Cole, referred to Committee on Business & Labor.
SB 251, introduced by Stang, Benedict, Mahlum, Toews, Ellis, Kitzenberg, Taylor, referred to Committee on Business & Labor.
SB 252, introduced by Lynch, Harrington, referred to Committee on Transportation.
SB 264, introduced by Miller, Swanson, Beck, Bohlinger, referred to Committee on Education.
SB 265, introduced by Thomas, Bergsagel, Lynch, Keating, referred to Committee on Transportation.
SB 271, introduced by Jenkins, Bankhead, Walters, Marshall, Lawson, Rose, Hagener, Mood, Mills, Denny, Beaudry, Prouse, Baer, Grinde, Taylor, Keenan, Stovall, Miller, Sliter, Sprague, Molnar, Ahner, Benedict, Brainard, Feland, Orr, Jore, Crippen, DeBruycker, Simon, Peck, Barnett, Hayne, Ohs, Wells, Beck, Cole, Jabs, Arnott, Anderson, Glaser, Bitney, Wagner, Stang, Hargrove, Kitzenberg, Toews, Emerson, Bookout-Reinicke,

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Devlin, DePratu, Grosfield, Bowman Shea, Crismore, Hertel, Aklestad, Estrada, McGee, Lynch, Harp, Gage, Cobb, Rehbein, Mesaros, Mercer, Clark, Kasten, Swysgood, Keating, Mahlum, Hibbard, Raney, Bishop, Foster, McNutt, Thomas, referred to Committee on State Administration.

SB 273, introduced by Nelson, referred to Committee on Natural Resources.

SB 275, introduced by Miller, Keenan, Sliter, Crismore, Bohlinger, Mahlum, Beaudry, Devaney, Estrada, referred to Committee on Business & Labor.

SB 276, introduced by Miller, Sliter, Feland, Crismore, Keenan, Thomas, Cole, Mahlum, Beaudry, Soft, Devaney, Bohlinger, Swysgood, Estrada, referred to Committee on Business & Labor.

SB 288, introduced by Van Valkenburg, referred to Committee on Human Services.

SB 309, introduced by Mahlum, referred to Committee on Business & Labor.

SB 45, introduced by Holden, referred to Committee on Business & Labor.

SJR 5, introduced by Aklestad, Bergsagel, Swysgood, Baer, Miller, Thomas, Menahan, Halligan, Bishop, Sprague, Grosfield, referred to Committee on Business & Labor.

SJR 9, introduced by Stang, DePratu, Cole, Holden, Jabs, Baer, Nelson, Hertel, Mohl, Jergeson, (by request of the Senate Highways and Transportation Committee) referred to Committee on Transportation.

SB 259, introduced by Bowman Shea, Estrada, Wyatt, Pavlovich, McCarthy, Curtiss, referred to Committee on Business & Labor.

SB 263, introduced by Bishop, referred to Committee on Judiciary.

SB 269, introduced by Bartlett, Swysgood, Lynch, Tash, Beck, Rose, Kitzenberg, Quilici, Harrington, Cocchiarella, Galvin, Grady, Mohl, Christiaens, Bowman Shea, Waterman, McCarthy, Nelson, Clark, Thomas, Ohs, Wilson, Tropila, referred to Committee on Appropriations.

SB 283, introduced by Burnett, Grinde, Estrada, Baer, Keating, Aklestad, Hargrove, Mahlum, referred to Committee on Judiciary.

SB 289, introduced by Eck, Barnhart, Nelson, Brooke, Halligan, referred to Committee on Judiciary.

SB 310, introduced by Grosfield, Anderson, referred to Committee on Appropriations.

SB 329, introduced by Halligan, Crippen, (by request of the Senate Judiciary Committee) referred to Committee on Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 354 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total '98

Noes: DeBruycker, Smith.

Total 2

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Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 363 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Brainard, Denny, Heavy Runner.

Total 4

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Ellis, Hagener.

Total 2

MOTIONS

Majority Leader Grinde moved that the House recess until 9:15 a.m. Motion carried.

House recessed at 8:07 a.m.

House reconvened at 9:25 a.m. Mr. Speaker in the Chair.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted the 1997 AA State Champion Butte High School wrestling team into the House Chambers.

Mr. Speaker and Representative Beaudry welcomed Coach Jim Street who introduced the team members.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 460 - Representative Harrington moved HB 460 do pass. Motion failed as follows:

Ayes: Barnhart, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Mood, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 42

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McGee, Mills, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

Voted Absentee: Devaney, No.

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

HB 464 - Representative Walters moved HB 464 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Curtiss, Hagener, Harrington, Hurdle, R. Johnson, Pavlovich, Pease, Peck, Ryan, Wyatt.

Total 10

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

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Absent or not voting: Denny, Schmidt.

Total 2

HB 468 - Representative Gillan moved HB 468 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Curtiss, Jore.

Total 2

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Vick.

Total 1

HB 502 - Representative Soft moved HB 502 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Brainard, Curtiss, Jore, Wagner.

Total 5

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 529 - Representative Denny moved HB 529 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.
Total 0

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 568 - Representative Ohs moved HB 568 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 91

Noes: Adams, Arnott, Bergsagel, Boharski, Jore, Kasten, McCann, Rehbein, Vick.
Total 9

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 19 - Representative Mercer moved HJR 19 do pass. Motion carried as follows:

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Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Harrington, Jore, Rehbein.

Total 5

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Ellis, Gillan, Kottel, Swanson.

Total 4

HJR 22 - Representative Pavlovich moved HJR 22 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Rehbein.

Total 1

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 110 - Representative Swanson moved HB 110 do pass.

Representative Swanson moved HB 110, second reading copy, be amended as follows (amendment #1):

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1. Title, line 6.

Strike: "COAL SEVERANCE TAX TRUST FUNDS"

Insert: "MONEY"

2. Title, line 10.

Following: " ; "

Insert: "REQUIRING A CONTRACT BETWEEN THE DEPARTMENT AND THE STATE TREASURER IN ORDER TO EFFECTUATE THE APPROPRIATION;"
TRANSFERRING THE FUND BALANCE IN CERTAIN FEDERAL SPECIAL REVENUE ACCOUNTS TO THE STATE SPECIAL REVENUE FUND;"

3. Page 1, lines 15 and 16.

Strike: "There" on line 15

Insert: "Subject to [section 4(2)], there"

Following: "from the" on line 15

Strike: remainder of line 15 through "permanent" on line 16

Insert: "state special revenue"

4. Page 1, line 22.

Strike: "\$5"

Insert: "\$2.5"

5. Page 1, line 28.

Strike: "AMOUNT APPROPRIATED IN THIS SECTION PLUS THE"

6. Page 1, line 30.

Insert: "Any additional amount recovered in the litigation up to the amount appropriated in this section must be deposited in the general fund."

7. Page 2, line 13.

Strike: "Loan contract"

Insert: "Contracts"

Following: "."

Insert: "(1)"

8. Page 2, line 21.

Insert: "(2) The appropriation in [section 1] is not effective until the department of justice enters into a contract with the state treasurer implementing the redeposit provisions of [section 1]."

9. Page 2, lines 22 through 24.

Strike: section 5 in its entirety

Insert: "NEW SECTION. Section 5. Fund balance transfer -- reconciliation. There is transferred from the social services block grant account \$680,000 and from the public welfare account \$1,820,000 to the state special revenue fund to the credit of the department of justice. The department of public health and human services may use any of its general fund appropriation to pay federal claims attributable to the funds transferred from these accounts that are related to activity prior to fiscal year 1996.

NEW SECTION. Section 6. Use of recovered funds. Any funds recovered by the state on the natural

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resource damage claims against the atlantic richfield company and any interest that accumulates on the funds after their receipt by the state must be used, to the extent consistent with state and federal law, to recoup the expenses of the natural resource damage assessment and the costs of litigating the state's claim and to restore, replace, rehabilitate, or acquire the equivalent of the damaged natural resources that are the subject of the litigation."

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Anderson, Bankhead, Beaudry, Bergman, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Adams, Ahner, Arnott, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Feland, Grimes, Hayne, Holland, Jore, Kasten, Orr, Prouse, Rehbein, Simpkins, Soft, Tash, Vick, Wagner, Walters, Wells.

Total 29

Excused: Devaney.

Total 1

Absent or not voting: Keenan, McGee.

Total 2

Motion that HB 110 do pass, as amended, carried as follows:

Ayes: Anderson, Bankhead, Beaudry, Bergman, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Ahner, Arnott, Barnett, Barnhart, Bergsagel, Bitney, Boharski, Cobb, DeBruycker, Feland, Holland, Jore, Kasten, McGee, Orr, Prouse, Rehbein, Simpkins, Trexler, Vick, Wagner.

Total 22

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

HB 90 - Representative Wiseman moved HB 90 do pass.

Representative Wiseman moved HB 90, second reading copy, be amended (amendment #1). Motion failed as follows: (40-58)

Representative Tash excused at this time.

Representative Denny moved HB 90, second reading copy, be amended as follows (amendment #2):

1. Page 1, line 25.

Following: "(3)"

Insert: "(a)"

2. Page 1.

Following: line 27

Insert: "(b) The committee shall also gather and analyze information on the amount of state income tax revenue collected from the state's taxation of retirement benefits, consider this information in developing new or modified retirement benefits, and report the committee's findings to the 56th legislature."

Amendment #2 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Mr. Speaker.

Total 86

Noes: Barnhart, R. Johnson, Kasten, Kottel, McCann, Prouse, Rehbein, Wyatt, Zook.

Total 9

Excused: Devaney, Tash.

Total 2

Absent or not voting: Anderson, Hurdle, Molnar.

Total 3

Motion that HB 90 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Quilici, Ream, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Smith, Squires, Stovall, Taylor, Tropila,

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Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 68

Noes: Adams, Barnhart, Boharski, Cobb, Curtiss, Dowell, Galvin, Gillan, Hagener, Harrington, R. Johnson, Jore, Kottel, Krenzler, McCann, Pavlovich, Pease, Prouse, Raney, Rehbein, Sliter, Soft, Story, Trexler, Tuss, Vick, Whitehead, Wyatt.
Total 28

Voted Absentee: Devaney, Aye.

Excused: Tash.
Total 1

Absent or not voting: Hurdle, Schmidt, Swanson.
Total 3

HB 91 - Representative Wiseman moved HB 91 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 84

Noes: Adams, Barnhart, Boharski, DeBruycker, R. Johnson, Jore, McCann, Prouse, Rehbein, Soft, Vick, Wagner, Wyatt.
Total 13

Voted Absentee: Devaney, Tash, Ayes.

Excused: None.
Total 0

Absent or not voting: Grady, Molnar, Raney.
Total 3

Representative Grinde assumed the Chair at this time.

HB 216 - Representative Hibbard moved HB 216 do pass.

Representative Clark stated his abstention from voting due to a conflict of interest.

Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey,

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Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Taylor, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 82

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, Jore, Kasten, McCann, Peck, Rehbein, Trexler, Vick, Wagner.
Total 14

Voted Absentee: Devaney, Aye.

Excused: Tash.
Total 1

Absent or not voting: Clark, Cobb, Grinde.
Total 3

HB 430 - Representative Simon moved HB 430 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 81

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Devaney, Jore, Kasten, Keenan, McCann, Peck, Rehbein, Sliter, Smith, Story, Vick, Wagner.
Total 17

Voted Absentee: Tash, Aye; Devaney, No.

Excused: None.
Total 0

Absent or not voting: Clark, Prouse.
Total 2

HB 505 - Representative Beaudry moved HB 505 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard,

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Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Wells, Whitehead, Wyatt, Zook.

Total 78

Noes: Adams, Arnott, Bergsagel, Boharski, Brainard, Curtiss, R. Johnson, Jore, Kasten, McCann, Orr, Peck, Rehbein, Story, Trexler, Vick, Wagner.

Total 17

Voted Absentee: Devaney, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: Anderson, Keenan, Prouse, Wiseman, Mr. Speaker.

Total 5

Representative Simon resumed the Chair at this time.

Representative Tash present at this time.

HB 121 - Representative Simpkins moved HB 121 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Adams, Bergsagel, Cobb, Curtiss, Jore, Orr, Peck, Wagner, Wyatt.

Total 9

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Prouse, Tuss.

Total 2

HB 142 - Representative Kasten moved HB 142 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Feland, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Mills, Molnar, Mood, Ohs, Orr, Pease, Prouse, Ream, Rehbein, Sands, Simon, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Carey, Cobb, Ewer, Galvin, Gillan, Grinde, Hagener, Harrington, Hurdle, J. Johnson, Jore, Kottel, McGee, Menahan, Pavlovich, Peck, Quilici, Rose, Ryan, Schmidt, Simpkins, Simpson, Sliter, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt.

Total 30

Excused: Devaney.

Total 1

Absent or not voting: Ellis, Harper, Raney.

Total 3

HB 173 - Representative Squires moved HB 173 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Bookout, Carey, Clark, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Arnott, Bitney, Boharski, Brainard, Cobb, Curtiss, DeBruycker, Jore, Kasten, Keenan, McGee, Orr, Peck, Prouse, Rehbein, Story, Trexler, Vick, Wagner, Wells.

Total 21

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

HB 174 - Representative Smith moved HB 174 do pass. Motion carried as follows:

Ayes: Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter,

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Smith, Soft, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt.
Total 73

Noes: Adams, Anderson, Arnott, Bergsagel, Boharski, Brainard, Clark, Curtiss, DeBruycker, Holland, Jore, Kasten, Keenan, Masolo, McCann, McGee, Orr, Prouse, Rehbein, Story, Vick, Wagner, Wells, Zook.
Total 24

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: Grady, Squires, Mr. Speaker.
Total 3

HB 496 - Representative Feland moved HB 496 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 94

Noes: Simpson, Wagner, Wyatt.
Total 3

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: Bergman, Bergsagel, Tuss.
Total 3

HB 178 - Representative Cobb moved HB 178 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Jore, Kasten, Kitzenberg, Kottel, Krenzler, Marshall, McCulloch, McGee, Menahan, Mills, Molnar, Orr, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Squires, Swanson, Tropila, Tuss, Vick, Walters, Whitehead, Wyatt, Mr. Speaker.
Total 68

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Noes: Bankhead, Bookout, DeBruycker, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, R. Johnson, Keenan, Knox, Lawson, Masolo, McCann, Mood, Ohs, Pavlovich, Pease, Rehbein, Rose, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wagner, Wells, Wiseman, Zook.

Total 31

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

HB 491 - Representative Rehbein moved HB 491 do pass.

Representative Rehbein moved HB 491, second reading copy, be amended as follows (amendment #1):

1. Title, lines 6 and 7.

Following: "TO THE"

Strike: remainder of line 6 through "ELEMENTARY" on line 7

Following: "DISTRICT"

Insert: "COURT CONCERNING A"

2. Page 2, lines 26 and 27.

Following: "the"

Strike: remainder of line 26 through "20-3-107"

Insert: "district court"

3. Page 2, line 29 through page 3, line 9.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

4. Page 5, line 26.

Strike: "pursuant to 20-3-107"

Following: "to the"

Strike: "superintendent of public instruction"

Insert: "district court"

5. Page 5, lines 27 through 30.

Following: "." on line 27

Strike: remainder of line 27 through "." on line 30

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Lawson, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Simon, Simpkins,

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Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harrington, Heavy Runner, Hurdle, Kasten, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Quilici, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead.

Total 30

Excused: Devaney.

Total 1

Absent or not voting: Harper, Hibbard, Masolo, Raney, Wyatt.

Total 5

Motion that HB 491 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Orr, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Adams, Barnhart, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Heavy Runner, Hurdle, Kottel, Krenzler, Lawson, McCulloch, Pavlovich, Pease, Quilici, Sands, Tuss, Whitehead.

Total 20

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Carey, Molnar.

Total 2

HB 480 - Representative Grimes moved HB 480 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 88

Noes: Carey, Cocchiarella, Harper, Hurdle, Raney, Ream, Sands, Tuss.

Total 8

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Denny, Ewer, Mood, Smith.

Total 4

HB 146 - Representative R. Johnson moved HB 146 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Brainard, Jore, McGee, Prouse, Rehbein, Wells.

Total 6

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Feland, Grady.

Total 2

HB 265 - Representative Molnar moved HB 265 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

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Noes: Beaudry, Cobb, Devaney, Galvin, Harrington, Pavlovich, Quilici, Ryan.
Total 8

Voted Absentee: Devaney, No.

Excused: None.
Total 0

Absent or not voting: Heavy Runner, Holland, Stovall.
Total 3

Representative Sliter assumed the Chair at this time.

HB 369 - Representative Brainard moved HB 369 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Raney, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 86

Noes: Cocchiarella, Dowell, Ellingson, Galvin, Harper, Harrington, Heavy Runner, Hurdle, Krenzler, Pavlovich, Pease, Quilici, Ream, Schmidt.
Total 14

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 387 - Representative Simon moved HB 387 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Lawson, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wyatt, Zook, Mr. Speaker.
Total 85

Noes: Anderson, DeBruycker, Denny, Ellis, Feland, Hagener, Kasten, Krenzler, Marshall, Masolo, Pease, Quilici,

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Rose, Soft, Wiseman.
Total 15

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Simon resumed the Chair at this time.

HB 402 - Representative Holland moved HB 402 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

Noes: Hagener.
Total 1

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: Molnar.
Total 1

HB 408 - Representative Trexler moved HB 408 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 98

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Noes: None.

Total 0

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Arnott, Holland.

Total 2

HB 423 - Representative Krenzler moved HB 423 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Whitehead, Wyatt, Mr. Speaker.

Total 77

Noes: Adams, Arnott, Boharski, Brainard, DeBruycker, Feland, Holland, Jore, Kasten, Keenan, McGee, Orr, Prouse, Rehbein, Sliter, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Zook.

Total 22

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Hagener.

Total 1

HB 444 - Representative Wells moved HB 444 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Hagener, Hurdle.

Total 3

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Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: Cobb, Orr.

Total 2

HB 447 - Representative Stovall moved HB 447 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Barnhart.

Total 1

Voted Absentee: Devaney, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 461 - Representative Wyatt moved HB 461 do pass. Motion carried as follows:

Ayes: Barnhart, Bohlinger, Carey, Clark, Cobb, Cocchiarella, Denny, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Smith, Squires, Stovall, Swanson, Tash, Tropila, Tuss, Whitehead, Wyatt, Zook.

Total 51

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Curtiss, Feland, Grimes, Grinde, H.S. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Masolo, McGee, Molnar, Mood, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Soft, Story, Trexler, Vick, Wagner, Walters, Wiseman.

Total 43

Voted Absentee: Devaney, Aye.

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Excused: None.
Total 0

Absent or not voting: DeBruycker, Ellis, Hibbard, Taylor, Wells, Mr. Speaker.
Total 6

HB 487 - Representative Whitehead moved HB 487 do pass. Motion failed as follows:

Ayes: Ahner, Barnhart, Bookout, Brainard, Carey, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mills, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Smith, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt.
Total 46

Noes: Adams, Anderson, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Clark, Cobb, Curtiss, DeBruycker, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Knox, Lawson, Marshall, McGee, Molnar, Mood, Ohs, Orr, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Tash, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 48

Voted Absentee: Devaney, Aye.

Excused: None.
Total 0

Absent or not voting: Arnott, Beaudry, Bohlinger, Denny, Keenan, Taylor.
Total 6

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (62-30)

SPECIAL ORDERS OF THE DAY

Mr. Speaker welcomed the Legislative Council into the House Chambers for the occasion of celebrating its fortieth birthday.

Executive Director Bob Person introduced the members of the Council and described their departmental duties.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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HB 518 - Representative Ewer moved HB 518 do pass.

Representatives Harper, Raney and Swanson excused at this time.

Representative Ewer moved HB 518, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 18.

Following: "VALUE"

Strike: " ¹ "

Insert: "and must be sold"

Strike: " ¹ "

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bookout, Wagner.

Total 2

Excused: Devaney, Harper, Raney, Swanson.

Total 4

Absent or not voting: Jore, Simpkins, Tuss.

Total 3

Motion that HB 518 do pass, as amended, carried as follows:

Ayes: Barnett, Barnhart, Beaudry, Bohlinger, Carey, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Soft, Squires, Stovall, Swanson, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook.

Total 60

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Feland, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Lawson, Molnar, Orr, Prouse, Rehbein, Schmidt, Sliter, Smith, Story, Tash, Taylor, Vick, Wagner, Walters, Wells, Mr. Speaker.

Total 40

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Voted Absentee: Devaney, Harper, Raney, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 532 - Representative Barnett moved HB 532 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Arnott, Brainard, Devaney.

Total 3

Voted Absentee: Harper, Raney, Swanson, Ayes; Devaney, No.

Excused: None.

Total 0

Absent or not voting: Keenan, Prouse.

Total 2

HB 547 - Representative Rehbein moved HB 547 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Hibbard, Jore, Krenzler.

Total 4

Voted Absentee: Devaney, Harper, Raney, Swanson, Ayes.

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Excused: None.

Total 0

Absent or not voting: Denny, Feland, Quilici.

Total 3

HB 556 - Representative Grady moved HB 556 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Adams, Prouse.

Total 2

Voted Absentee: Devaney, Harper, Raney, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Grinde, McCann, Simon.

Total 3

HJR 27 - Representative Anderson moved HJR 27 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Molnar, Wagner, Wells.

Total 4

Voted Absentee: Devaney, Harper, Raney, Swanson, Ayes.

Excused: None.

Total 0

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Absent or not voting: Schmidt.
Total 1

Representative Ohs moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (90-3)

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 25 sponsored by Representative Ewer et al. on February 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 35 sponsored by Representative DeBruycker on February 20, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 20, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 85 sponsored by Representative Harper on February 20, 1997.

Sincerely,

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MARC RACICOT
Governor

MOTIONS

Representative Grinde moved the rules be suspended to allow absentee votes to be recorded on motions. Motion carried.

HB 389 - Representative Simon moved HB 389 be taken from the table in the Committee on Judiciary, printed, and placed on second reading this legislative day. Motion carried.

HB 140 - Representative Krenzler moved HB 140 be taken from the table in the Committee on Local Government, printed, and placed on second reading this legislative day. Motion carried.

HB 462 - Representative Stovall moved HB 462 be taken from the table in the Committee on Transportation, printed, and placed on second reading this legislative day.

Representative Rehbein moved to revert to previous question. Motion carried. (74-16)

Motion to move HB 462 from the table carried. (62-34)

HB 482 - Representative Sands moved HB 482 be taken from the table in the Committee on Fish, Wildlife, & Parks, printed, and placed on second reading this legislative day.

Representative Ellis moved to revert to previous question. Motion carried.

Motion to move HB 482 from the table failed. (44-54)

HB 425 - Representative Arnott moved HB 425 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day.

Representative Brainard moved to revert to previous question. Motion carried.

Motion to move HB 425 from the table failed due to 3/5 vote requirement. (55-43)

HB 541 - Representative Grimes moved HB 541 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day.

Representative Pavlovich moved to revert to previous question. Motion carried.

Motion to move HB 541 from the table carried. (62-35)

HB 203 - Representative Molnar moved the House reconsider its action on HB 203 taken on second reading the previous legislative day for the purpose of an amendment.

Representative Menahan moved to revert to previous question. Motion carried.

Motion to reconsider HB 203 failed. (39-57)

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HB 528 - Representative Wells moved HB 528 be taken from the table in the Committee on Judiciary, printed, and placed on second reading this legislative day.

Representative Kottel moved to revert to previous question. Motion carried.

Motion to move HB 528 from the table failed due to 3/5 vote requirement. (51-43)

HB 425 - Representative Cobb moved HB 425 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day. Representative Cobb moved rules 40-90 and 70-30 be rendered inapplicable to allow for his motion.

Representative Grinde ruled the motion out of order.

Representative Cobb requested a Rules Committee determination.

Representative Grinde called for an immediate House Rules Committee meeting.

House recessed at 3:25 p.m.

House reconvened at 3:40 p.m. Mr. Speaker in the Chair.

Representative Grinde reported the House Rules Committee found Representative Cobb's motion to be out of order.

Representative Cobb motioned to appeal the House Rules Committee decision and request that HB 425 be allowed to be taken from the table without 3/5 vote. Motion failed. (21-74)

HB 452 - Representative Ewer moved HB 452 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day. Motion failed. (31-68)

HB 500 - Representative Grinde moved HB 500 be taken from the table in Business & Labor and rereferred to the Committee on Appropriations. Motion carried. (62-34)

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 390 - Representative Cobb moved HB 390 do pass.

Representative Cobb moved HB 390, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 13.

Strike: "OR" through "DISTRICT"

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Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Devaney, Harper, Raney, Swanson.

Total 4

Absent or not voting: Bitney, Grinde, Sliter.

Total 3

Motion that HB 390 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook.

Total 90

Noes: DeBruycker, Hayne, Masolo.

Total 3

Voted Absentee: Devaney, Harper, Raney, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bitney, Clark, Keenan, McCulloch, Menahan, Ream, Mr. Speaker.

Total 7

HB 429 - Representative Wells moved consideration of HB 429 be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 489 - Representative Story moved HB 489 do pass. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Arnott, Barnhart, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, R. Johnson, Kottel, Krenzler, Lawson, McCulloch, Pavlovich, Pease, Raney, Ream, Schmidt, Simpson, Squires, Whitehead, Wyatt.

Total 29

Voted Absentee: Devaney, Swanson, Ayes; Harper, Raney, Noes.

Excused: None.

Total 0

Absent or not voting: Bankhead, Sands, Tuss.

Total 3

HJR 28 - Representative Curtiss moved HJR 28 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Raney, Rehbein, Rose, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Heavy Runner, Hurdle, J. Johnson, Krenzler, Pease, Peck, Quilici, Ream, Ryan, Sands, Schmidt, Squires, Tuss, Whitehead.

Total 23

Voted Absentee: Devaney, Harper, Raney, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Tropila excused at this time.

HB 78 - Representative Simpkins moved HB 78 do pass. Motion carried as follows:

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Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Quilici, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Adams, Arnott, Boharski, Carey, Devaney, Ellingson, Ewer, Grimes, Hagener, Harper, Heavy Runner, Jore, Keenan, Pease, Peck, Prouse, Raney, Tuss, Wagner, Whitehead.

Total 20

Voted Absentee: Swanson, Tropila, Ayes; Devaney, Harper, Raney, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 217 - Representative Bergsagel moved HB 217 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Clark, Cobb, Cocchiarella, Curtiss, Denny, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Quilici, Ream, Rose, Schmidt, Simon, Simpkins, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Boharski, Brainard, Carey, DeBruycker, Dowell, Ellingson, Feland, Grinde, Harper, Harrington, Hurdle, Jore, Menahan, Pease, Peck, Prouse, Raney, Rehbein, Ryan, Simpson, Sliter, Squires, Tropila, Tuss, Vick.

Total 26

Voted Absentee: Swanson, Aye; Harper, Raney, Tropila, Noes.

Excused: Devaney.

Total 1

Absent or not voting: Arnott, Sands.

Total 2

Representative Pavlovich excused at this time.

HB 224 - Representative Kitzenberg moved HB 224 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski,

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Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Pavlovich, Prouse, Raney, Rehbein, Rose, Simpkins, Simpson, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Barnhart, Carey, Cocchiarella, Denny, Ellingson, Ewer, Galvin, Hagener, Heavy Runner, Hurdle, Kottel, Krenzler, Pease, Peck, Quilici, Ream, Ryan, Schmidt, Simon, Sliter, Squires, Tuss, Whitehead.

Total 23

Voted Absentee: Devaney, Harper, Pavlovich, Raney, Swanson, Tropila, Ayes.

Excused: None.

Total 0

Absent or not voting: Menahan, Orr, Sands.

Total 3

Representative Menahan excused at this time.

HB 551 - Representative Grinde moved HB 551 do pass.

Representative Grinde moved HB 551, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 17.

Insert: "(6) The penalties provided in this section do not apply to persons who have inadvertently installed or constructed pipelines or utility lines within 20 feet of the easement boundaries granted by the state.

(7) The penalties provided in this section do not apply to facilities or structures installed on lands acquired by the state through exchange or purchase that were authorized with the permission of the previous landowner or through authority granted by an appropriate government agency."

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Rehbein, Sliter, Wagner.

Total 3

Voted Absentee: Menahan, Pavlovich, Tropila, Ayes.

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Excused: Devaney, Harper, Raney, Swanson.
Total 4

Absent or not voting: Barnhart, Bohlinger.
Total 2

Motion that HB 551 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.
Total 91

Noes: Adams, Boharski, Brainard, DeBruycker, Jore, McCann, Sliter, Wagner, Wyatt.
Total 9

Voted Absentee: Devaney, Harper, Menahan, Pavlovich, Raney, Swanson, Tropila, Ayes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Ryan excused at this time.

HJR 13 - Representative Curtiss moved HJR 13 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 65

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 34

Voted Absentee: Devaney, Pavlovich, Ayes; Harper, Menahan, Raney, Ryan, Swanson, Tropila, Noes.

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Excused: None.

Total 0

Absent or not voting: Bohlinger.

Total 1

HJR 26 - Representative Curtiss moved HJR 26 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Galvin, Hagener, Harrington, Heavy Runner, Hurdle, R. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Ream, Sands, Simpson, Squires, Tuss, Whitehead, Wyatt.

Total 24

Voted Absentee: Devaney, Harper, Raney, Ryan, Swanson, Tropila, Ayes; Menahan, Pavlovich, Noes.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

HB 429 - Representative Wells moved HB 429 do pass.

Representative Wells moved HB 429, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 24.

Strike: "(1)"

2. Page 1, line 26.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

3. Page 2, line 2.

Strike: "(a)"

4. Page 2, line 3.

Strike: "(1)(e)"

Insert: "(5)"

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5. Page 2, line 6.

Following: "~~45-8-321;~~"

Insert: "(9) a person issued a permit under 45-8-321, except that the person may not carry a concealed weapon in a court, law enforcement facility, jail, prison, probation office, or parole office or in a room in which alcoholic beverages are sold for consumption on the premises if the person consumes any amount of an alcoholic beverage in the room;"

Renumber: subsequent subsections

6 Page 2, lines 13 through 20.

Strike: Subsection (2) in its entirety

7. Page 4, line 24.

Following: "shall"

Insert: "attempt to"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Ream, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Squires, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Carey, Ellingson, Heavy Runner, Hurdle, R. Johnson, Pease, Peck, Soft, Tuss.
Total 9

Excused: Devaney, Harper, Menahan, Pavlovich, Raney, Ryan, Swanson, Tropila.
Total 8

Absent or not voting: None.
Total 0

Motion that HB 429 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Stovall, Swanson, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 73

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Hagener, Harrington, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Krenzler, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Story, Trexler, Tropila, Tuss, Whitehead.
Total 23

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Voted Absentee: Devaney, Harper, Raney, Swanson, Ayes; Pavlovich, Tropila, Noes.

Excused: Menahan, Ryan.

Total 2

Absent or not voting: Galvin, Masolo.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved that the Committee of the Whole report be adopted. Report adopted. (81-9)

MOTIONS

HJR 26 - Representative Brainard moved he be allowed to change his vote on HJR 26, second reading, from abstain to aye. Motion carried.

ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, February 22, 1997. Motion carried.

House adjourned at 5:20 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
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Helena, Montana
February 22, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hagener. Pledge of Allegiance to the Flag.

Roll call. All members present except Representatives Devaney, Harrington, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/22/97

Correctly printed for second reading: HB 561, HB 572, HB 573, HB 582, HB 540, HB 553, HB 386, HB 371, HB 306, HB 276, HB 453, HB 558, SB 63, SB 115, HB 140, HB 389, HB 462, HB 541.

Correctly engrossed for third reading: HB 491, HB 518, HB 90, HB 110, HB 390, HB 91, HB 121, HB 142, HB 146, HB 173, HB 174, HB 178, HB 216, HB 265, HB 369, HB 387, HB 402, HB 408, HB 423, HB 430, HB 444, HB 447, HB 461, HB 464, HB 468, HB 480, HB 496, HB 502, HB 505, HB 529, HB 532, HB 547, HB 556, HB 568, HJR 19, HJR 22, HJR 27, HB 429, HB 551, HB 303, HB 483.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/21/97

SB 39, introduced by Nelson

SB 67, introduced by Benedict

SB 118, introduced by Crismore

SB 229, introduced by Thomas

SB 234, introduced by Brooke

SB 235, introduced by Hertel

SB 285, introduced by Benedict

SB 326, introduced by Devlin

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 43 sponsored by Representative Bankhead et al. on February 21, 1997.

Sincerely,

MARC RACICOT

Governor

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The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 73 sponsored by Representative Mood on February 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 141 sponsored by Representative Keenan et al. on February 21, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 21, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 218 sponsored by Representative Clark et al. on February 21, 1997.

Sincerely,

MARC RACICOT
Governor

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

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HB 592, introduced by Krenzler, Christiaens, Soft, Hurdle, Keating, referred to Committee on Select Corrections.

The following Senate bills were introduced, read first time, and referred to committees:

SB 219, introduced by Franklin, Ahner, referred to Committee on Judiciary.

SB 220, introduced by Swysgood, Knox, Mesaros, Jergeson, Beck, Swanson, Waterman, Bowman Shea, Grosfield, Ohs, Tash, Quilici, Cocchiarella, Grady, Harper, Halligan, referred to Committee on State Administration.

SB 224, introduced by Cole, Beaudry, Jabs, Devlin, Keating, Miller, Knox, Stovall, Holland, Taylor, Story, Gage, Mahlum, referred to Committee on Natural Resources.

SB 257, introduced by DePratu, Lawson, referred to Committee on Transportation.

SB 39, introduced by Nelson, (by request of the State Auditor) referred to Committee on Agriculture.

SB 67, introduced by Benedict, (by request of the Governor) referred to Committee on Business & Labor.

SB 118, introduced by Crismore, (by request of the Department of Public Health and Human Services) referred to Committee on Business & Labor.

SB 229, introduced by Thomas, Kasten, Halligan, referred to Committee on Business & Labor.

SB 234, introduced by Brooke, Mahlum, Halligan, Bartlett, Franklin, Sands, Bowman Shea, Doherty, Squires, Ellingson, referred to Committee on Business & Labor.

SB 235, introduced by Hertel, referred to Committee on Education.

SB 285, introduced by Benedict, referred to Committee on Education.

SB 326, introduced by Devlin, M. Hanson, Hertel, Knox, Cole, Kitzenberg, referred to Committee on Agriculture.

SPECIAL ORDERS OF THE DAY

Mr. Speaker introduced the honorary pages for the day:

Wes Barnhart, Bozeman
Ben Jore, Ronan
Jessica Miller, Helena
Shane Vick, Belgrade

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Tropila in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 523 - Representative McCulloch moved HB 523 do pass. Motion carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 85

Noes: Adams, Boharski, Hayne, Jore, Kasten, McCann, McGee, Ohs, Prouse, Vick, Wagner.

Total 11

Voted Absentee: Harrington, Aye.

Excused: Devaney.

Total 1

Absent or not voting: Bergsagel, Cobb, DeBruycker.

Total 3

HB 483 - Representative Mood moved HB 483 do pass.

Representative DeBruycker moved HB 483, second reading copy, be amended as follows (amendment #1):

1. Page 20, line 3.

Strike: "department's"

2. Page 20, line 5.

Following: " "

Insert: "The costs under this subsection (1)(g) must be contracted by the department through a nonprofit organization or organizations that have:

(i) a representation of at least 5% of the systems referred to in this subsection (1)(g) through a membership program; and

(ii) at least 5 years of experience in providing technical assistance to systems of the size referred to in this subsection (1)(g)."

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Devaney, Harrington.

Total 2

Absent or not voting: None.

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Total 0

Motion that HB 483 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Adams, Feland, Jore.

Total 3

Voted Absentee: Devaney, Harrington, Ayes.

Excused: None.

Total 0

Absent or not voting: R. Johnson.

Total 1

HB 469 - Representative Brainard moved HB 469 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Orr, Prouse, Raney, Rehbein, Rose, Ryan, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Schmidt, Squires, Swanson, Tuss, Whitehead.

Total 28

Voted Absentee: Devaney, Aye; Harrington, No.

Excused: None.

Total 0

Absent or not voting: Ohs.

Total 1

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HB 550 - Representative Cocchiarella moved HB 550 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Arnott, Bergsagel, Brainard, Curtiss, Feland, Grinde, Jore, Prouse, Wagner.

Total 9

Voted Absentee: Devaney, Harrington, Ayes.

Excused: None.

Total 0

Absent or not voting: Mood, Sliter.

Total 2

HB 575 - Representative Rehbein moved HB 575 do pass.

Representative Tash moved for cloture. Motion carried.

Motion to pass HB 575 carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Arnott, Barnhart, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 36

Voted Absentee: Devaney, Aye; Harrington, No.

Excused: None.

Total 0

Absent or not voting: Holland.

Total 1

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HB 160 - Representative Tash moved HB 160 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Arnott, Boharski, DeBruycker, Feland, Jore, Kasten, Rehbein, Wagner.

Total 8

Voted Absentee: Devaney, Harrington, Ayes.

Excused: None.

Total 0

Absent or not voting: Quilici.

Total 1

HB 531 - Representative Swanson moved HB 531 do pass. Motion carried as follows:

Ayes: Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Bergsagel, Boharski, Brainard, Clark, DeBruycker, Denny, Feland, Grinde, Hayne, Holland, Jore, Kasten, Marshall, Orr, Prouse, Rehbein, Simon, Sliter, Vick, Wagner, Walters, Wells.

Total 27

Voted Absentee: Devaney, Harrington, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 323 - Representative Boharski moved HB 323 do pass. Motion carried as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harrington, Hayne, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Carey, Cocchiarella, Ewer, Galvin, Hibbard, Ryan, Sands, Tuss.

Total 8

Voted Absentee: Devaney, Harrington, Ayes.

Excused: None.

Total 0

Absent or not voting: Barnhart, Bohlinger, Ellingson, Gillan, Harper, Heavy Runner, Hurdle, Kottel, McCulloch, Pease, Ream, Swanson, Whitehead.

Total 13

HB 303 - Representative Boharski moved HB 303 do pass.

Representative Heavy Runner moved HB 303, second reading copy, be amended as follows (amendment #1):

1. Title, line 10.

Following: "49-3-103,"

Insert: "AND"

Strike: "AND 81-2-120,"

2. Page 6, line 12 through line 9 of page 7.

Strike: section 8 of the bill in its entirety

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Barnhart, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grimes, Hagener, M. Hanson, Harper, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Whitehead, Wyatt.

Total 50

Noes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Curtiss, DeBruycker, Feland, Grady, Grinde, H.S. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Marshall, McGee, Molnar, Ohs, Orr, Prouse, Simon, Simpkins, Sliter, Smith, Soft, Tash, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 46

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Excused: Devaney, Harrington.

Total 2

Absent or not voting: Denny, Masolo.

Total 2

Motion that HB 303 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Barnhart, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Stovall, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 43

Voted Absentee: Harrington, No.

Excused: Devaney.

Total 1

Absent or not voting: Smith.

Total 1

HB 299 - Representative Boharski moved HB 299 do pass.

Representative Ellingson moved HB 299, second reading copy, be amended (amendment #1). Motion failed as follows: (39-59)

Motion to pass HB 299 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Simon, Simpkins, Sliter, Smith, Soft, Tash, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Squires, Story, Stovall, Swanson, Taylor, Trexler, Tropila, Tuss, Whitehead, Wyatt.

Total 42

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Voted Absentee: Harrington, No.

Excused: Devaney.

Total 1

Absent or not voting: None.

Total 0

HB 365 - Representative McGee moved HB 365 do pass.

Representative Ellingson moved HB 365, second reading copy, be amended (amendment #1). Motion failed as follows: (34-61)

Representative Simpkins moved for cloture. Motion carried. (69-28)

Motion to pass HB 365 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, R. Johnson, Kottel, McCulloch, Menahan, Pavlovich, Pease, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Taylor, Tuss, Whitehead, Wyatt.

Total 31

Voted Absentee: Devaney, Aye; Harrington, No.

Excused: None.

Total 0

Absent or not voting: Galvin.

Total 1

Representative Pavlovich assumed the Chair at this time.

HB 524 - Representative Anderson moved HB 524 do pass.

Representative Raney moved HB 524, second reading copy, be amended (amendment #1). Motion failed as follows: (40-56)

Motion to pass HB 524 carried as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Bohlinger, Bookout, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 34

Voted Absentee: Devaney, Aye; Harrington, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (76-21)

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted Justice John C. Harrison and members of the Boy Scouts into the House Chambers.

Judge Harrison recognized the Eagle Scouts in honor of Boy Scout Anniversary Week.

Sergeant-at-Arms Skelton escorted the distinguished guests from the House Chambers.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 395 - Representative Grimes moved HB 395 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, Devaney, Ellis, Feland, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Marshall, Masolo, McCann, McGee,

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Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 62

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ewer, Galvin, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Lawson, McCulloch, Menahan, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 35

Voted Absentee: Devaney, Aye; Harrington, No.

Excused: None.
Total 0

Absent or not voting: Arnott, Bergsagel, Mills.
Total 3

HB 293 - Representative Orr moved HB 293 do pass.

Representative Ellingson moved HB 293, second reading copy, be amended (amendment #1). Motion failed as follows: (36-62)

Representative Swanson moved HB 293, second reading copy, be amended (amendment #2). Motion failed as follows: (36-62)

Representative Ellingson moved HB 293, second reading copy, be amended (amendment #3). Motion failed as follows: (38-59)

Representative Clark moved for cloture. Motion carried.

Motion to pass HB 293 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 66

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Menahan, Pease, Peck, Quilici, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 33

Voted Absentee: Devaney, Aye; Harrington, No.

Excused: None.

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Total 0

Absent or not voting: Feland.

Total 1

SB 1 - Representative Knox moved SB 1 be concurred in. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cocchiarella, Curtiss, DeBruycker, Ellis, Feland, Gillan, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Ream, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Barnhart, Bohlinger, Carey, Cobb, Denny, Dowell, Ellingson, Ewer, Galvin, Grady, Hagener, Harper, Harrington, Hurdle, J. Johnson, Kottel, Krenzler, McCulloch, Pease, Peck, Raney, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Vick, Whitehead, Wyatt.

Total 31

Voted Absentee: Harrington, No.

Excused: Devaney.

Total 1

Absent or not voting: None.

Total 0

HB 345 - Representative Masolo moved HB 345 do pass.

Representative Masolo moved HB 345, second reading copy, be amended as follows (amendment #1):

1. Title, lines 6 and 7.

Following: ";" on line 6

Strike: remainder of line 6 through ";" on line 7

2. Page 1, line 12.

Strike: "8"

Insert: "7"

3. Page 1, line 15.

Strike: "8"

Insert: "7"

4. Page 1, line 24.

Following: "work"

Insert: "in a hazardous work environment, security position, position affecting public safety, or fiduciary position"

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5. Page 1, line 28.

Following: line 27

Insert: "(6) "Hazardous work environment" includes but is not limited to positions:

(a) for which drug and alcohol testing is mandated by federal law, such as aviation, interstate motor carrier, railroad, pipeline, and commercial marine employees;

(b) that involve the operation of or work in proximity to construction equipment, industrial machinery, or mining activities; or

(c) that involve handling or proximity to flammable materials, explosives, toxic chemicals, or similar substances."

Renumber: subsequent subsections

6. Page 2, line 3.

Strike: "4"

Insert: "3"

Strike: "5"

Insert: "4"

7. Page 2, lines 7 through 21.

Strike: section 3 in its entirety

Renumber: subsequent sections

8. Page 3, line 25.

Strike: "8"

Insert: "7"

9. Page 4, line 10.

Following: "performed"

Insert: "in"

10. Page 5, lines 8 and 9.

Strike: "NEWLY HIRED" on line 8

Insert: "prospective"

Following: "EMPLOYEE" on line 8

Strike: remainder of line 8 through "WORK" on line 9

11. Page 6, line 17.

Strike: "5"

Insert: "4"

12. Page 7, line 5.

Strike: "8"

Insert: "7"

13. Page 8, line 23.

Strike: "8"

Insert: "7"

14. Page 8, line 25.

Strike: "8"

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Insert: "7"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Gillan, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Wagner, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Boharski, Brainard, DeBruycker, Galvin, Grimes, R. Johnson, Jore, Keenan, Lawson, Molnar, Tuss, Wells.

Total 13

Excused: Devaney, Harrington.

Total 2

Absent or not voting: Feland, Grady, Vick.

Total 3

Representative Tuss moved HB 345, second reading copy, be further amended as follows (amendment #2):

1. Page 1, line 25.

Following: "."

Insert: "The term includes an elected official."

Amendment #2 passed as follows:

Ayes: Ahner, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Soft, Squires, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Bankhead, Bergman, Brainard, Clark, Grimes, H.S. Hanson, M. Hanson, Harper, Hayne, Heavy Runner, Marshall, Masolo, McGee, Raney, Rehbein, Rose, Simpkins, Smith, Story, Stovall, Walters, Wells.

Total 23

Excused: Devaney, Harrington.

Total 2

Absent or not voting: Anderson, Arnott, Kitzenberg, Mills.

Total 4

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Representative Squires moved HB 345, second reading copy, be further amended as follows (amendment #3):

1. Page 5, line 21.

Following: "SELECTION"

Insert: "and testing"

Amendment #3 passed as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Bergsagel, Boharski, Brainard, Clark, Hayne, Jore, Keenan, Rehbein.
Total 8

Excused: Devaney, Harrington.
Total 2

Absent or not voting: Anderson, Marshall, Mills.
Total 3

Representative Tuss moved HB 345, second reading copy, be further amended (amendment #4). Motion failed as follows: (37-61)

Representative Clark moved for cloture. Motion carried.

Motion that HB 345 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Clark, Cobb, Denny, Ellis, Gillan, Grimes, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, Mills, Molnar, Mood, Ohs, Peck, Prouse, Rose, Simon, Simpkins, Sliter, Smith, Soft, Stovall, Tash, Taylor, Vick, Walters, Wiseman, Zook, Mr. Speaker.
Total 50

Noes: Adams, Arnott, Barnhart, Brainard, Carey, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ewer, Feland, Galvin, Grady, Grinde, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Jore, Kasten, Keenan, Krenzler, McCulloch, McGee, Menahan, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpson, Squires, Story, Swanson, Trexler, Tropila, Tuss, Wagner, Wells, Whitehead, Wyatt.
Total 48

Voted Absentee: Harrington, No.

Excused: Devaney.
Total 1

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Absent or not voting: McCann.

Total 1

HB 517 - Representative Vick moved HB 517 do pass.

Representative Vick moved HB 517, second reading copy, be amended as follows (amendment #1):

1. Title, line 12.

Strike: "A SHAREHOLDER,"

Insert: "AN"

Following: "EMPLOYEE"

Strike: ", "

2. Title, lines 13 and 16.

Strike: "SHAREHOLDER,"

Following: "EMPLOYEE"

Strike: ", "

3. Page 2, line 3.

Strike: "a shareholder."

Insert: "an"

Following: "employee"

Strike: " a "

4. Page 2, lines 4, 7, and 9.

Strike: "shareholder."

Following: "employee"

Strike: " a "

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Carey, Cocchiarella, Ellingson, Hagener, Harper, Hurdle, Sands, Whitehead.

Total 8

Excused: Devaney, Harrington.

Total 2

Absent or not voting: Dowell, Heavy Runner, Tropila.

Total 3

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Representative Hayne excused at this time.

Motion that HB 517 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 64

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 36

Voted Absentee: Devaney, Hayne, Ayes; Harrington, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 252 - Representative Molnar moved HB 252 do pass.

Representative Harper moved HB 252, second reading copy, be amended (amendment #1). Motion failed as follows: (37-60)

Representative Brainard moved for cloture. Motion carried.

Motion to pass HB 252 carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grimes, Grinde, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Raney, Rehbein, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 61

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCann, McCulloch, Menahan, Pease, Peck, Quilici, Ream, Rose, Ryan, Sands, Schmidt, Simon, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 39

Voted Absentee: Devaney, Hayne, Ayes; Harrington, No.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 - Representative Soft moved HB 129 do pass.

Representative Soft moved HB 129, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 29.

Strike: "or adverse effect upon"

2. Page 4, line 25.

Strike: "or multiple"

Following: "bruising"

Insert: ", "

Strike: "or any other"

3. Page 4, line 26.

Following: "bleeding,"

Strike: "any"

Insert: "substantial"

Following: "skin"

Strike: "that causes bleeding or soft tissue swelling"

Following: "hematoma,"

Insert: "intentional"

4. Page 4, line 28.

Strike: "or is not justifiably explained"

5. Page 8, line 26.

Following: "(i)"

Insert: "after interviewing the parent or guardian, if reasonably available,"

6. Page 15, line 29.

Strike: ", as defined by the department,"

7. Page 15, line 30.

Strike: "by"

Insert: "pursuant to the legal authority of"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg,

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Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Carey.

Total 1

Excused: Devaney, Harrington, Hayne.

Total 3

Absent or not voting: Tuss.

Total 1

Motion that HB 129 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Adams, Arnott, Boharski, Hayne, Jore, Prouse.

Total 6

Voted Absentee: Harrington, Aye; Hayne, No.

Excused: Devaney.

Total 1

Absent or not voting: None.

Total 0

HB 519 - Representative Wyatt moved HB 519 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

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Total 90

Noes: Arnott, Boharski, Devaney, Ellis, Grimes, Hayne, Hibbard, Lawson, Ohs, Prouse.

Total 10

Voted Absentee: Harrington, Aye; Devaney, Hayne, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 236 - Representative Raney moved HB 236 do pass.

Representative Raney moved HB 236, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Strike: first "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 6.

Following: line 23

Insert: "NEW SECTION. Section 6. Applicability. [This act] applies to maintenance of state parks and fishing access sites after [the effective date of this act] and does not affect capital improvements or development projects for which legislative approval has been granted prior to [the effective date of this act]."

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bitney, Boharski, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Adams, Bergsagel, Brainard, Clark, Heavy Runner, Hibbard, McGee, Quilici, Smith.

Total 9

Excused: Devaney, Harrington, Hayne.

Total 3

Absent or not voting: Ellis, Wagner.

Total 2

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Representative Sliter moved for cloture. Motion carried.

Motion that HB 236 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bergman, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, DeBruycker, Denny, Dowell, Ellingson, Ellis, Gillan, Grinde, H.S. Hanson, Harper, Heavy Runner, Hurdle, R. Johnson, Keenan, Kitzenberg, Knox, Krenzler, Marshall, McCann, McCulloch, Menahan, Mills, Molnar, Ohs, Pease, Peck, Prouse, Raney, Rehbein, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Zook.
Total 59

Noes: Adams, Arnott, Bankhead, Barnett, Bergsagel, Bitney, Cocchiarella, Curtiss, Devaney, Ewer, Feland, Galvin, Grady, Grimes, Hagener, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, Jore, Kasten, Kottel, Lawson, Masolo, McGee, Mood, Orr, Pavlovich, Quilici, Ream, Rose, Smith, Tash, Taylor, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 41

Voted Absentee: Devaney, Harrington, Hayne, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Tropila assumed the Chair at this time.

HB 246 - Representative Simpkins moved HB 246 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Ryan, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 66

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 34

Voted Absentee: Devaney, Hayne, Ayes; Harrington, No.

Excused: None.
Total 0

Absent or not voting: None.

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Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Tropila moved that the Committee of the Whole report be adopted. Report adopted. (75-22)

MOTIONS

HB 106 - Representative Harper moved HB 106 be taken from the table in the Committee on State Administration, printed, and placed on second reading this legislative day. Motion failed. (41-55)

HB 270 - Representative Ream moved HB 270 be taken from the table in the Committee on Judiciary, printed, and placed on second reading this legislative day.

Representative Grimes moved to revert to previous question. Motion carried.

Motion to move HB 270 from the table failed. (35-62)

HB 395 - Representative Bohlinger moved he be allowed to change his vote on HB 395, second reading, from aye to nay. Motion carried.

ANNOUNCEMENTS

Representative Grinde moved the House adjourn until 8:00 a.m., Monday, February 24, 1997. Motion carried.

House adjourned at 4:25 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 24, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair.

Girl Scouts from Billings, Laurel and Shepherd posted the colors and led the House Chambers in Pledge of Allegiance to the Flag. The Girl Scouts were present with their leaders Theresa Schultz, Susan Burdette and Kathy Casade.

Invocation by Representative Holland.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/24/97

Correctly printed for second reading: HB 346.

Correctly engrossed for third reading: HB 517, HB 299, HB 323, HB 531, HB 160, HB 575, HB 550, HB 469, HB 523, HB 252, HB 293, HB 395, HB 524, HB 246, HB 519, HB 78, HB 217, HB 224, HB 489, HJR 26, HJR 28, HJR 13, SB 1, HB 569, HB 546, HB 540, HB 534, HB 508, HB 365, HB 554, HB 346, HB 267, HB 159, HB 276, HB 371, HB 129, HB 236, HB 345.

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

HB 593, introduced by Pavlovich, Galvin, referred to Committee on Appropriations.

Representative Grinde moved the House recess until 8:45 a.m. Motion carried.

House recessed at 8:06 a.m.

House reconvened at 9:00 a.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 554 - Representative Simpkins moved HB 554 do pass.

Representative Simpkins moved HB 554, second reading copy, be amended as follows (amendment #1):

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1. Title, line 4.

Following: "ALLOW"

Insert: "CERTAIN"

2. Title, lines 7 and 8.

Following: "AMENDING" on line 7

Strike: remainder of line 7 through "REPEALING" on line 8

3. Page 1, line 13 through page 7, line 30.

Strike: sections 1 through 5 in their entirety

Insert: "Section 4. Section 61-3-456, MCA, is amended to read:

"61-3-456. Registration of motor vehicle owned and operated by Montana resident on active military duty stationed outside Montana. (1) ~~As an incentive for military service, an~~ owner of a motor vehicle who is a Montana resident ~~on who entered~~ active military duty ~~from Montana~~ and ~~who is~~ stationed outside Montana may file with the department an application for the registration of the motor vehicle. The application must be sworn to before an officer authorized to administer oaths. The application must state:

(a) the name and address of the owner;

(b) the make, the gross weight, the year and number of the model, and the manufacturer's identification number and serial number of the motor vehicle; and

(c) that the vehicle is owned and operated by a Montana resident who meets the qualifications of subsection (1) and is on active military duty and stationed outside Montana.

(2) The registration fee for a motor vehicle registered under subsection (1) is as provided in 61-3-311 and 61-3-321.

(3) A vehicle registered under this section is not subject to:

(a) the taxes described in 61-3-303(2)(b);

(b) assessment under 15-8-202 or 61-3-503; or

(c) any of the fees provided in part 5 of this chapter."

Renumber: subsequent sections

5. Page 8, line 2.

Strike: "All military"

Insert: "Military"

6. Page 8, line 3.

Following: "61-3-456"

Strike: "prior" through "act]"

Insert: "that no longer qualify"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

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Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Keenan.

Total 1

Motion that HB 554 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

HB 267 - Representative Grinde moved consideration of HB 267 be placed below HB 553 on the second reading board. Motion carried.

HB 346 - Representative Tropila moved HB 346 do pass.

Representative Tropila moved HB 346, second reading copy, be amended as follows (amendment #1):

1. Title, lines 7 through 9.

Following: ";" on line 7

Strike: remainder of line 7 through ";" on line 9

2. Page 3, lines 15 and 16.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

3. Page 4, lines 23 through 29.

Strike: sections 4 and 5 in their entirety

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Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Brainard, Jore.

Total 2

Excused: None.

Total 0

Absent or not voting: Heavy Runner.

Total 1

Representative Prouse moved HB 346, second reading copy, be further amended (amendment #2). Motion failed as follows: (18-82)

Motion that HB 346 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Adams, Boharski, Brainard, Jore, Orr, Prouse, Rehbein, Vick, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 546 - Representative Tash moved HB 546 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Jore, Orr, Prouse.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 540 - Representative Orr moved HB 540 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 8 - Representative Brainard moved HJR 8 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Tash, Taylor, Trexler, Tropila,

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Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 96

Noes: Bergman, Molnar, Vick.
Total 3

Excused: None.
Total 0

Absent or not voting: Swanson.
Total 1

HB 508 - Representative Devaney moved HB 508 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 95

Noes: Boharski, Hibbard, Squires.
Total 3

Excused: None.
Total 0

Absent or not voting: M. Hanson, Kitzenberg.
Total 2

HB 534 - Representative Wells moved HB 534 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 87

Noes: Cocchiarella, Ellingson, Ewer, Gillan, Hagener, Harper, Heavy Runner, Hurdle, Peck, Simpson, Tuss, Whitehead.
Total 12

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Excused: None.

Total 0

Absent or not voting: Stovall.

Total 1

HB 569 - Representative Squires moved HB 569 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Brainard, Kasten, Vick, Wagner.

Total 5

Excused: None.

Total 0

Absent or not voting: Jore.

Total 1

HB 571 - Representative Beaudry moved HB 571 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Barnhart, Carey, Cocchiarella, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, McCulloch, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Wyatt.

Total 26

Excused: None.

Total 0

Absent or not voting: Stovall, Whitehead.

Total 2

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HB 572 - Representative Anderson moved HB 572 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Dowell, Ellis, Ewer, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Barnhart, Carey, Cobb, Cocchiarella, Ellingson, Galvin, Heavy Runner, Hurdle, McCulloch, Pease, Ream, Sands, Simpson, Vick, Whitehead, Wyatt.

Total 16

Excused: None.

Total 0

Absent or not voting: Devaney, Feland, Pavlovich, Smith.

Total 4

HB 553 - Representative Stovall moved HB 553 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Anderson, Arnott, Bookout, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Taylor, Tropila, Tuss, Whitehead.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 267 - Representative Masolo moved HB 267 do pass.

Representative Masolo moved HB 267, second reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Following: "RIDES"

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Insert: "AND"

2. Title, line 6.

Following: "PROVIDING"

Strike: "'FOR" through "PROVIDING"

3. Page 3, lines 26 through 28.

Strike: "Section 5 in its entirety"

Re-number: subsequent sections

4. Page 4, lines 15 through 18.

Strike: "Section 7 in its entirety"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCulloch, McGee, Menahan, Mills, Ohs, Orr, Pavlovich, Pease, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: Grinde, Peck, Wyatt.

Total 3

Excused: None.

Total 0

Absent or not voting: DeBruycker, McCann, Molnar, Mood, Vick.

Total 5

Motion that HB 267 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Trexler, Tropila, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Arnott, Boharski, Dowell, Ellingson, Grinde, Hurdle, Molnar, Sands, Squires, Taylor, Tuss, Wells, Wyatt.

Total 13

Excused: None.

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Total 0

Absent or not voting: Barnhart, R. Johnson, Vick.

Total 3

HB 453 - Representative Arnott moved HB 453 do pass.

Representative Molnar moved for cloture. Motion failed due to 2/3 vote requirement. (53-42)

Representative Grady moved for cloture. Motion carried. (76-20)

Motion to pass HB 453 carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Brainard, Clark, Cobb, Curtiss, Devaney, Ellis, Grady, Grimes, Grinde, H.S. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Knox, Lawson, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Anderson, Barnhart, Bohlinger, Bookout, Carey, Cocchiarella, DeBruycker, Denny, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kitzenberg, Kottel, Krenzler, Marshall, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Whitehead, Wyatt.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 362 - Representative Anderson moved HB 362 do pass. Motion failed as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Kasten, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McGee, Mills, Peck, Quilici, Rose, Simon, Simpkins, Smith, Soft, Tash, Wagner, Wells, Wiseman, Wyatt, Zook.

Total 49

Noes: Ahner, Barnhart, Boharski, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Grinde, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Jore, Keenan, McCann, McCulloch, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Prouse, Raney, Ream, Rehbein, Ryan, Sands, Schmidt, Simpson, Sliter, Squires, Story, Stovall, Swanson, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Mr. Speaker.

Total 50

Excused: None.

Total 0

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Absent or not voting: Taylor.
Total 1

HB 573 - Representative Jore moved HB 573 do pass.

Representative Ahner moved HB 573, second reading copy, be amended as follows (amendment #1):

1. Page 3, lines 5 and 6.

Strike: "and of 40-4-107 either do not apply or"

Following: "met"

Insert: "or that each of the parties has completed at least one session of individual marriage counseling with a counselor of the party's choice and that the parties have completed at least one session of joint marriage counseling with a counselor of the parties' choice or chosen by the court"

2. Page 4, line 18.

Strike: ":",

3. Page 4, line 19.

Strike: "(a)"

Strike: "; or"

4. Page 4, lines 20 through 24

Strike: "(b)" on line 20 through "broken" on line 24

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Hurdle, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Lawson, Marshall, Masolo, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Sands, Schmidt, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Tropila, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Mr. Speaker.
Total 74

Noes: Barnett, Barnhart, Cocchiarella, Ellingson, Feland, Hagener, Heavy Runner, J. Johnson, Kasten, Krenzler, McCann, McCulloch, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Simpson, Squires, Swanson, Taylor, Trexler, Tuss, Zook.
Total 25

Excused: None.
Total 0

Absent or not voting: Harper.
Total 1

Representative McGee moved for cloture. Motion carried.

Motion that HB 573 do pass, as amended, failed as follows:

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Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Grimes, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Kitzenberg, Lawson, Marshall, McGee, Mills, Molnar, Orr, Prouse, Rehbein, Rose, Simpkins, Smith, Soft, Stovall, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Mr. Speaker.

Total 45

Noes: Anderson, Barnhart, Beaudry, Bohlinger, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Knox, Kottel, Krenzler, Masolo, McCann, McCulloch, Menahan, Mood, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Sliter, Squires, Story, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Zook.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hibbard moved that the Committee of the Whole report be adopted. Report adopted. (79-19)

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 12:18 p.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair.

Roll Call. All members present. Quorum present.

Mr. Speaker introduced this week's pages:

Sandy Bergstrom, Billings
Dan Boyd, Bozeman
Shawna Briney, Pablo
Melanie Chaney, Belgrade
Jaclyn Haynes, Fairfield
Anna Jackson, Missoula
Ty Kalberg, Billings
Tiffany Schenk, Helena
Krystal Spring, Missoula
Dianna Upham, Loma

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Honorary pages:

Chelsea McCann, Harlem
Tyler McCann, Harlem
Kyle Grimes, Clancy

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 386 - Representative Molnar moved HB 386 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Molnar, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.
Total 63

Noes: Carey, Cocchiarella, Devaney, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.
Total 36

Excused: None.
Total 0

Absent or not voting: Mills.
Total 1

HB 276 - Representative Kottel moved HB 276 do pass.

Representative Kottel moved HB 276, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 11.

Following: "steps"

Insert: "to determine, under rules adopted by the department, whether the claim is reasonable and, if the department determines that the claim is reasonable,"

Following: "claim."

Insert: "The notification must be oral and must be given to the alleged father in a manner that minimizes the chance of another person gaining knowledge of the notice or of its contents."

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Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Motion that HB 276 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Arnott, Bergman, Boharski, Jore, Orr.

Total 5

Excused: None.

Total 0

Absent or not voting: McCulloch, Molnar.

Total 2

HB 159 - Representative Grinde moved consideration of HB 159 be placed below HJR 25 on the second reading board. Motion carried.

HB 579 - Representative Kitzenberg moved HB 579 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Bankhead, Barnett, Barnhart, Beaudry, Bitney, Boharski, Bookout, Brainard,

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Clark, Curtiss, Denny, Devaney, Dowell, Ellis, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Raney, Rehbein, Rose, Ryan, Simpkins, Sliter, Smith, Story, Stovall, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Arnott, Bergman, Bergsagel, Bohlinger, Carey, Cobb, Cocchiarella, DeBruycker, Ellingson, Ewer, Galvin, Gillan, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kasten, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Quilici, Ream, Sands, Schmidt, Simpson, Soft, Squires, Swanson, Tash, Tropila, Tuss, Whitehead, Wyatt.

Total 40

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

HB 440 - Representative Denny moved HB 440 do pass. Motion carried as follows:

Ayes: Adams, Arnott, Bankhead, Barnhart, Bergsagel, Bitney, Boharski, Bookout, Brainard, Carey, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Gillan, Grimes, Hagener, H.S. Hanson, Harper, Hayne, Heavy Runner, Hurdle, Jore, Keenan, Knox, Kottel, Lawson, Marshall, Masolo, McCulloch, Mills, Mood, Orr, Peck, Prouse, Raney, Rehbein, Rose, Sands, Schmidt, Simpkins, Simpson, Sliter, Story, Stovall, Tash, Tropila, Vick, Wells, Wyatt.

Total 52

Noes: Ahner, Anderson, Barnett, Beaudry, Bergman, Bohlinger, Clark, Cocchiarella, Dowell, Ellingson, Ewer, Feland, Galvin, Grady, Grinde, M. Hanson, Harrington, Hibbard, Holland, J. Johnson, R. Johnson, Kasten, Kitzenberg, Krenzler, McCann, McGee, Menahan, Molnar, Ohs, Pavlovich, Pease, Quilici, Ream, Ryan, Simon, Smith, Soft, Squires, Swanson, Taylor, Trexler, Tuss, Wagner, Walters, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 177 - Representative Grinde moved consideration of HB 177 be passed for the day. Motion carried.

HB 240 - Representative Grinde moved consideration of HB 240 be placed at the bottom of the second reading board. Motion carried.

Sergeant-at-Arms Skelton escorted the University of Montana football team delegates into the House Chambers.

Wayne Hogan, Athletic Director, introduced Coach Mick Dennehy and delegates to members of the House.

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Representative R. Johnson assumed the Chair at this time.

HB 291 - Representative Devaney moved HB 291 do pass. Motion failed as follows:

Ayes: Adams, Anderson, Bankhead, Bergsagel, Bitney, Boharski, Bookout, Brainard, Cobb, Denny, Devaney, Feland, Grimes, Grinde, M. Hanson, Harrington, R. Johnson, Jore, Kasten, Keenan, Marshall, Masolo, Molnar, Ohs, Peck, Prouse, Simon, Simpkins, Smith, Story, Stovall, Taylor, Vick, Wells, Zook, Mr. Speaker.

Total 36

Noes: Ahner, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Curtiss, DeBruycker, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Hagener, H.S. Hanson, Harper, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, McCann, McCulloch, McGee, Menahan, Mills, Mood, Orr, Pavlovich, Pease, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpson, Sliter, Soft, Squires, Swanson, Tash, Trexler, Tropila, Tuss, Wagner, Walters, Whitehead, Wiseman, Wyatt.

Total 64

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 306 - Representative Curtiss moved HB 306 do pass.

Representative Wyatt moved HB 306, second reading copy, be amended (amendment #1). Motion failed as follows: (33-66)

Motion to pass HB 306 carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Mood, Ohs, Orr, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Ahner, Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Grady, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Molnar, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HJR 25 - Representative Brainard moved HJR 25 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Barnhart, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hurdle, J. Johnson, Kottel, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 32

Excused: None.

Total 0

Absent or not voting: R. Johnson, McCann, Stovall.

Total 3

HB 159 - Representative Barnhart moved HB 159 do pass.

Representative Barnhart moved HB 159, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "JUSTICE'S COURT"

Insert: ", CITY COURT,"

2. Page 1, line 27.

Following: "justice's court."

Insert: "city court,"

Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Bankhead, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Ohs, Orr, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Adams, Arnott, Barnett, Boharski, Hayne, Jore, McGee, Mills, Molnar, Mood, Prouse, Rehbein, Simon, Simpkins, Vick, Wagner, Wells.

Total 17

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Excused: None.

Total 0

Absent or not voting: Kitzenberg.

Total 1

Motion that HB 159 do pass, as amended, carried as follows:

Ayes: Ahner, Anderson, Barnhart, Beaudry, Bitney, Bohlinger, Bookout, Carey, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mills, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Adams, Arnott, Bankhead, Barnett, Bergman, Bergsagel, Boharski, Brainard, Clark, DeBruycker, Feland, Grinde, Hayne, Jore, McGee, Molnar, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Story, Vick, Wagner, Walters, Wells.

Total 27

Excused: None.

Total 0

Absent or not voting: Kitzenberg, Smith.

Total 2

HB 533 - Representative Devaney moved HB 533 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Devaney, Dowell, Ellis, Feland, Galvin, Gillan, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Krenzler, Lawson, Marshall, Masolo, McCann, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Quilici, Rehbein, Ryan, Schmidt, Simon, Simpkins, Sliter, Soft, Tash, Taylor, Tropila, Vick, Wagner, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Beaudry, Bergman, Bitney, Bookout, Brainard, Carey, Denny, Ellingson, Ewer, Grimes, Hagener, Harper, Harrington, Heavy Runner, Hurdle, Knox, Kottel, McCulloch, McGee, Menahan, Pavlovich, Pease, Raney, Ream, Rose, Sands, Simpson, Smith, Squires, Story, Swanson, Trexler, Tuss, Walters.

Total 34

Excused: None.

Total 0

Absent or not voting: Kitzenberg, Stovall.

Total 2

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HJR 14 - Representative Curtiss moved HJR 14 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Holland, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, Kottel, Krenzler, McCann, McCulloch, Menahan, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Tropila, Tuss, Whitehead, Wyatt.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 577 - Representative Molnar moved HB 577 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Anderson, Boharski, Ewer, Grimes, Lawson, Pease, Peck, Rehbein.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 466 - Representative Barnhart moved HB 466 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington,

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Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, McCulloch, Menahan, Mills, Molnar, Mood, Ohs, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Walters, Whitehead, Wiseman, Mr. Speaker.
Total 85

Noes: Bankhead, DeBruycker, Hayne, Kasten, Masolo, McCann, McGee, Orr, Rehbein, Wagner, Wells, Wyatt.
Total 12

Excused: None.
Total 0

Absent or not voting: Grinde, Sliter, Zook.
Total 3

HB 582 - Representative Grimes moved HB 582 do pass. Motion failed as follows:

Ayes: Anderson, Bergman, Bohlinger, Carey, Clark, Cocchiarella, Dowell, Ellingson, Ewer, Gillan, Grimes, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, Lawson, McCulloch, McGee, Ohs, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Soft, Swanson, Tash, Tropila, Whitehead.
Total 42

Noes: Adams, Ahner, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Bitney, Boharski, Bookout, Brainard, Cobb, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Galvin, Grady, Grinde, H.S. Hanson, Hayne, Holland, Jore, Kasten, Keenan, Knox, Marshall, Masolo, McCann, Menahan, Mills, Molnar, Mood, Orr, Prouse, Rehbein, Rose, Simpkins, Simpson, Sliter, Squires, Story, Stovall, Taylor, Trexler, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 57

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 371 - Representative Ahner moved HB 371 do pass.

Representative Cobb moved HB 371, second reading copy, be amended as follows (amendment #1):

1. Page 16, line 28.
Following: "GRANT."
Insert: "(1)"

2. Page 17.
Following: line 1
Insert: "(2) The state of Montana shall maintain a fiscal effort equivalent to at least 80% of the federally calculated maintenance of effort necessary to draw down the temporary assistance to needy families block grant."

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Amendment #1 passed as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Adams, Boharski, Jore.

Total 3

Excused: None.

Total 0

Absent or not voting: Molnar, Quilici, Vick.

Total 3

Motion that HB 371 do pass, as amended, carried as follows:

Ayes: Adams, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Jore, Whitehead.

Total 3

Excused: None.

Total 0

Absent or not voting: Ahner.

Total 1

HB 558 - Representative Smith moved HB 558 do pass.

Representative Rose moved for cloture. Motion carried.

Motion to pass HB 558 carried as follows:

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Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Peck, Prouse, Rehbein, Rose, Simpkins, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Barnhart, Bohlinger, Carey, Cocchiarella, Denny, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Harrington, Hibbard, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Quilici, Raney, Ream, Ryan, Sands, Schmidt, Simon, Simpson, Squires, Swanson, Trexler, Tropila, Tuss, Whitehead, Wyatt.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman R. Johnson moved that the Committee of the Whole report be adopted. Report adopted. (62-19)

Representative Grinde moved the House recess until 4:45 p.m. Motion carried.

House recessed at 4:30 p.m.

House reconvened at 4:53 p.m. Mr. Speaker in the Chair.

Roll Call. All members present. Quorum present.

MOTIONS

HJR 21, HB 543, HB 49, HB 564, HB 560, HB 542, HB 140, HB 389, HB 462, HB 541, HB 240 - Representative Grinde moved if the aforementioned bills are amended on second reading, the rules be suspended and third reading be allowed the forty-fifth day. Motion carried.

HB 499, HB 177 - Representative Grinde moved HB 499 and HB 177 be rereferred to the Committee on Appropriations. Motion carried.

HB 535 - Representative Wells moved HB 535 be taken from the table in the Committee on Business & Labor, printed, and placed on second reading this legislative day.

Representative Simpkins moved to revert to previous question. Motion carried.

Motion to move HB 535 from the table failed. (29-68)

HB 304 - Representative R. Johnson moved HB 304 be taken from the table in the Committee on Business & Labor,

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printed, and placed on second reading this legislative day.

Representative Sliter moved to revert to previous question. Motion carried.

Motion to move HB 304 from the table failed. (40-59)

HB 575 - Representative Dowell moved the House reconsider its action on HB 575 taken on second reading the previous legislative day.

Representative Story moved to revert to previous question. Motion carried.

Motion to reconsider HB 575 failed. (36-60)

HB 570 - Representative Wagner moved HB 570 be taken from the table in the Committee on Fish, Wildlife, & Parks, printed, and placed on second reading this legislative day.

Representative Sliter moved to revert to previous question. Motion carried.

Motion to move HB 570 from the table failed. (29-71)

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, February 25, 1997. Motion carried.

House adjourned at 5:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**HOUSE JOURNAL
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
February 25, 1997

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Soft. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-third through forty-second legislative days, find the same to be correct.

Hayne, Chairman

**FIRST READING AND COMMITMENT
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committees:

HB 594, introduced by DeBruycker, Raney, Wiseman, Grinde, Tash, Kasten, McCann, Grady, Arnott, Curtiss, Orr, Anderson, Devaney, (by request of the Natural Resources and Commerce Subcommittee) referred to Committee on Appropriations.

HB 595, introduced by Simpkins, referred to Committee on Taxation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sliter in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 543 - Representative Schmidt moved HB 543 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

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Total 0

Absent or not voting: Cocchiarella, Ewer, Ohs.

Total 3

HB 49 - Representative Ellis moved HB 49 do pass.

Representative Cocchiarella moved HB 49, second reading copy, be amended (amendment #1). Motion failed as follows: (31-68)

Motion to pass HB 49 carried as follows:

Ayes: Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bookout, Brainard, Clark, Cobb, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Hayne, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Mills, Molnar, Mood, Ohs, Orr, Pease, Peck, Prouse, Raney, Rehbein, Rose, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Swanson, Tash, Taylor, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Adams, Bohlinger, Cocchiarella, Galvin, Gillan, Grinde, Harrington, Hurdle, Kottel, Krenzler, Menahan, Pavlovich, Quilici, Ream, Ryan, Schmidt, Tropila, Tuss, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: Carey, Harper, Squires, Whitehead.

Total 4

HB 564 - Representative Dowell moved HB 564 do pass.

Representative Simpkins moved for cloture. Motion carried.

Motion to pass HB 564 failed as follows:

Ayes: Arnott, Barnhart, Boharski, Bohlinger, Carey, Cobb, Cocchiarella, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, Menahan, Mood, Pavlovich, Pease, Peck, Quilici, Raney, Ream, Rose, Ryan, Sands, Schmidt, Simon, Simpson, Soft, Squires, Swanson, Taylor, Tropila, Tuss, Whitehead, Wyatt.

Total 49

Noes: Adams, Ahner, Anderson, Bankhead, Barnett, Bergman, Bergsagel, Bitney, Bookout, Brainard, Clark, Curtiss, DeBruycker, Denny, Devaney, Ellis, Feland, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, McGee, Mills, Molnar, Ohs, Orr, Prouse, Rehbein, Simpkins, Sliter, Smith, Story, Stovall, Tash, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

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Total 50

Excused: None.

Total 0

Absent or not voting: Beaudry.

Total 1

HB 560 - Representative Peck moved HB 560 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Beaudry, Bitney, Clark, Grinde, Trexler.

Total 5

HB 542 - Representative Peck moved HB 542 do pass.

Representative Simon assumed the Chair at this time.

Representative Grimes moved HB 542, second reading copy, be amended (amendment #1).

Representative Sliter resumed the Chair at this time.

Amendment #1 failed as follows: (33-62)

Representative Simpkins moved for cloture. Motion carried.

Motion to pass HB 542 carried as follows:

Ayes: Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergsagel, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grinde, Hagener, H.S. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Hurdle, J. Johnson, R. Johnson, Jore, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Orr, Pavlovich, Peck, Prouse, Quilici, Raney, Ream, Rose,

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Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Walters, Wells, Wiseman, Wyatt, Zook, Mr. Speaker.
Total 83

Noes: Adams, Ahner, Bitney, Devaney, Grimes, M. Hanson, Holland, Kasten, Kitzenberg, Ohs, Pease, Rehbein, Smith, Taylor, Wagner, Whitehead.
Total 16

Excused: None.
Total 0

Absent or not voting: Bergman.
Total 1

HB 140 - Representative Krenzler moved HB 140 do pass.

Representative Krenzler moved HB 140, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.

Strike: "MAKE A WRITTEN"

Insert: "TAKE THE"

2. Title, lines 5 and 6.

Following: "OFFICE" on line 5

Strike: the remainder of line 5 through "1" on line 6

Insert: "ON THE LAST BUSINESS DAY OF DECEMBER"

3. Title, line 6.

Strike: "AN ORAL OATH OF"

4. Title, line 7.

Following: the first "OFFICE"

Strike: "AS" through "POSSIBLE"

Insert: "AT 12:01 A.M. ON JANUARY 1 FOLLOWING THE ELECTION"

5. Page 1, lines 27 and 28

Following: "(a)" on line 27

Strike: the remainder of line 27 through "elected;" on line 28

Insert: "take the oath of office on the last business day of December following the officer's election; and"

6. Page 1, lines 29 and 30.

Following: "office"

Strike: the remainder of line 29 through "election" on line 30

Insert: "at 12:01 a.m. on January 1 following the officer's election"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney,

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Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Heavy Runner.

Total 1

Excused: None.

Total 0

Absent or not voting: Grinde, Kitzenberg, Marshall, Molnar, Vick, Wagner.

Total 6

Motion that HB 140 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Heavy Runner.

Total 1

Excused: None.

Total 0

Absent or not voting: Boharski, Grinde, Marshall, Taylor.

Total 4

HB 389 - Representative Simon moved HB 389 do pass.

Representative Simon moved HB 389, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Strike: "2-3-112,"

Strike: "2-3-203,"

2. Page 2, line 13.

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Strike: "controversial"

Following: "matter"

Insert: "that the agency knows to be controversial"

Following: ", a"

Insert: "significant"

3. Page 2, line 21.

Following: "list"

Insert: "containing the subject or subjects in which each person on the list is interested"

4. Page 2, line 22.

Strike: "in any way"

5. Page 2, line 23.

Following: "must be"

Insert: "advised of and given an opportunity to be"

Strike: "intended"

6. Page 2, line 24.

Strike: "or"

Strike: "in"

Insert: "as to"

Strike: "expressed"

7. Page 2, line 25.

Strike: "an" through "agency"

Insert: "requested notice"

8. Page 3.

Following: line 6

Insert: "(2) a proceeding is held as required by the Montana Administrative Procedure Act and notice of the proceeding is either posted on the state electronic bulletin board or is published in a press release issued by the agency;"

Renumber: subsequent subsections

9. Page 3, line 10.

Following: "advertisement"

Insert: "a news story or"

10. Page 3, line 12.

Strike: "The"

Insert: "An"

11. Page 4, lines 1 through 8.

Strike: section 6 of the bill in its entirety

Renumber: subsequent sections

12. Page 4, line 13.

Following: "prejudiced"

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Insert: "that is filed within 30 days after the date of the decision or within 30 days after the decision becomes public, whichever is later"

13. Page 4, line 15 through page 5, line 6.

Strike: section 8 in its entirety

Renumber: subsequent sections

14. Page 5, line 11.

Following: "~~decision~~."

Insert: "An action to invalidate the decision must be commenced within 30 days after the date of the decision or within 30 days after the decision becomes public, whichever is later."

15. Page 5, line 14.

Strike: "plaintiff"

Insert: "party"

16. Page 5, line 15.

Strike: "plaintiff"

Insert: "party"

Strike: "plaintiff's"

Insert: "party's"

17. Page 5, line 16.

Page 5, line 17.

Strike: "must"

Insert: "may"

18. Page 5, line 17.

Strike: "as a matter of course"

Strike: "plaintiff"

Insert: "party"

19. Page 5, line 18.

Strike: "plaintiff"

Insert: "party"

20. Page 6, line 13.

Strike: "known" through "have"

Insert: "who has"

21. Page 6, line 14.

Strike: "in any way"

Insert: "to the agency"

Following: "matters"

Insert: "and has requested to be placed on the agency's list of interested persons"

22. Page 7, line 13.

Strike: "controversial"

Following: "matter"

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Insert: "that the agency knows to be controversial"

Following: "a"

Insert: "significant"

23. Page 8, line 7.

Following: "persons"

Insert: "and the subject or subjects in which each person on the list is interested"

24. Page 8, line 8.

Strike: "by any" through "purpose"

Strike: "intended"

Insert: "proposed"

25. Page 10, line 10.

Following: "~~concise~~"

Insert: "concise"

Strike: "comprehensively"

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Beaudry, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Bergman.

Total 1

Excused: None.

Total 0

Absent or not voting: Barnhart, Grinde, Heavy Runner, Wyatt.

Total 4

Motion that HB 389 do pass, as amended, carried as follows:

Ayes: Bankhead, Barnett, Barnhart, Beaudry, Bohlinger, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harper, Harrington, Heavy Runner, Hibbard, Holland, J. Johnson, R. Johnson, Kitzenberg, Knox, Krenzler, Lawson, Marshall, Masolo, McCann, McGee, Menahan, Mills, Molnar, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Story, Stovall, Tash, Taylor, Trexler, Tropila, Wells, Whitehead, Wyatt.

Total 69

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Noes: Ahner, Anderson, Arnott, Bergman, Bergsagel, Devaney, Gillan, H.S. Hanson, Hayne, Kasten, Kottel, McCulloch, Squires, Tuss, Wagner, Walters, Wiseman.

Total 17

Excused: None.

Total 0

Absent or not voting: Adams, Bitney, Boharski, Bookout, DeBruycker, Hurdle, Jore, Keenan, Mood, Schmidt, Swanson, Vick, Zook, Mr. Speaker.

Total 14

HB 462 - Representative Stovall moved HB 462 do pass.

Representative Ohs moved HB 462, second reading copy, be amended (amendment #1). Motion failed as follows: (40-59)

Representative Clark moved for cloture. Motion carried.

Motion to pass HB 462 carried as follows:

Ayes: Adams, Anderson, Arnott, Barnhart, Bergman, Bergsagel, Boharski, Brainard, Curtiss, DeBruycker, Denny, Ellis, Ewer, Gillan, H.S. Hanson, Harper, Hayne, Heavy Runner, Holland, Hurdle, R. Johnson, Jore, Kasten, Keenan, Kottel, Krenzler, Lawson, Marshall, McCann, McGee, Menahan, Mills, Molnar, Pavlovich, Peck, Prouse, Quilici, Raney, Rehbein, Rose, Schmidt, Simon, Soft, Story, Stovall, Swanson, Tash, Taylor, Tropila, Vick, Wagner, Walters, Wells, Wyatt, Zook, Mr. Speaker.

Total 56

Noes: Ahner, Bankhead, Barnett, Beaudry, Bitney, Bohlinger, Bookout, Carey, Clark, Cobb, Cocchiarella, Devaney, Dowell, Ellingson, Feland, Galvin, Grady, Grimes, Grinde, Hagener, M. Hanson, Harrington, Hibbard, J. Johnson, Kitzenberg, Knox, Masolo, McCulloch, Mood, Ohs, Orr, Pease, Ream, Ryan, Sands, Simpkins, Simpson, Sliter, Smith, Squires, Trexler, Whitehead, Wiseman.

Total 43

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

Representative Simon excused at this time.

HB 541 - Representative Grimes moved HB 541 do pass.

Representative Grimes moved HB 541, second reading copy, be amended as follows (amendment #1):

1. Title, lines 5 through 7.

Following: line 4

Strike: line 5 through ";" on line 7

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2. Page 6, line 7.

Strike: "\$300"

Insert: "\$750"

3. Page 6, lines 10 and 11.

Following: "obtains" on line 10

Strike: remainder of line 10 through "45-2-101," on line 11

4. Page 6, line 12.

Strike: "\$300"

Insert: "\$750"

5. Page 6.

Following: line 13

Insert: "(3) A person who in an activity involving gambling offers or obtains money, property, or anything of value as part of a common scheme, as defined in 45-2-101, by misrepresentation, fraud, or the use of an illegal gambling device or an illegal gambling enterprise is guilty of a felony and is punishable as provided in 23-5-162."

6. Page 6, line 20.

Strike: "A"

Insert: "If a"

7. Page 6, line 22.

Following: "activity"

Insert: "is"

Following: "licensee"

Insert: "then it"

8. Page 6, line 27.

Following: "check"

Strike: " 1 "

Insert: "or"

Following: "card"

Strike: remainder of line 27 through "indebtedness"

Insert: "held pending the outcome of a gambling activity"

9. Page 6, line 28.

Strike: "or gambling activity participant"

10. Page 6, line 29.

Strike: "or"

11. Page 6, line 30 through page 7, line 1.

Following: "including a" on line 30

Insert: "note, IOU,"

Following: "post-dated check"

Strike: "a"

Following: "or"

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Strike: remainder of line 30 through "an" on page 7, line 1

Insert: "other"

Following: "indebtedness"

Insert: "; or

(iv) a check issued or delivered that is accepted by the licensee with the knowledge that it will not be paid by the depository"

12. Page 7, lines 7 through 9.

Strike: subsection (3) in its entirety

Amendment #1 passed as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Simon.

Total 1

Absent or not voting: Grinde, Mills.

Total 2

Motion that HB 541 do pass, as amended, carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Gillan, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Heavy Runner, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Devaney, Kitzenberg.

Total 2

Voted Absentee: Simon, Aye.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 240 - Representative Devaney moved HB 240 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Bohlinger, Brainard, Clark, Curtiss, Denny, Devaney, Ellis, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, Holland, Jore, Kasten, Keenan, Knox, Lawson, Marshall, Masolo, McCann, McGee, Mills, Molnar, Mood, Ohs, Orr, Prouse, Quilici, Rehbein, Rose, Simon, Simpkins, Sliter, Soft, Story, Stovall, Tash, Trexler, Vick, Wagner, Walters, Wells, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Bookout, Carey, Cobb, Cocchiarella, DeBruycker, Dowell, Ellingson, Ewer, Galvin, Gillan, Hagener, Harper, Heavy Runner, Hurdle, J. Johnson, R. Johnson, Kitzenberg, Kottel, Krenzler, McCulloch, Menahan, Pavlovich, Pease, Peck, Raney, Ream, Ryan, Sands, Schmidt, Simpson, Squires, Swanson, Taylor, Tropila, Tuss, Whitehead, Wyatt.

Total 37

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

Absent or not voting: Boharski, Feland, Smith.

Total 3

HJR 21 - Representative Denny moved HJR 21 do pass. Motion carried as follows:

Ayes: Adams, Ahner, Anderson, Arnott, Bankhead, Barnett, Barnhart, Beaudry, Bergman, Bergsagel, Bitney, Boharski, Bohlinger, Bookout, Brainard, Carey, Clark, Cobb, Cocchiarella, Curtiss, DeBruycker, Denny, Devaney, Dowell, Ellingson, Ellis, Ewer, Feland, Galvin, Grady, Grimes, Grinde, Hagener, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, Holland, Hurdle, J. Johnson, R. Johnson, Jore, Kasten, Keenan, Kitzenberg, Knox, Kottel, Krenzler, Lawson, Marshall, Masolo, McCann, McCulloch, McGee, Menahan, Mills, Molnar, Mood, Ohs, Orr, Pavlovich, Pease, Peck, Prouse, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sands, Schmidt, Simon, Simpkins, Simpson, Sliter, Smith, Soft, Squires, Story, Stovall, Swanson, Tash, Taylor, Trexler, Tropila, Tuss, Vick, Wagner, Walters, Wells, Whitehead, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

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Absent or not voting: Gillan, Heavy Runner.
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sliter moved that the Committee of the Whole report be adopted. Report adopted. (94-4)

REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/25/97
Correctly engrossed for third reading: HB 579, HB 386, HB 306, HB 440, HB 453, HB 466, HB 533, HB 553, HJR 8, HJR 14, HJR 25, HB 558, HB 571, HB 572, HB 577.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/22/97

SB 266, introduced by Devlin
SB 284, introduced by Halligan
SB 298, introduced by Swysgood
SB 303, introduced by Wilson
SB 304, introduced by Cole
SB 314, introduced by Crippen

Senate bills passed and transmitted to the House for concurrence:

2/24/97

SB 238, introduced by Devlin
SB 272, introduced by Aklestad
SB 280, introduced by Van Valkenburg
SB 296, introduced by Jergeson
SB 297, introduced by Brooke
SB 301, introduced by Doherty
SB 313, introduced by Brooke
SB 315, introduced by McCarthy
SB 316, introduced by Bartlett
SB 319, introduced by Stang
SB 324, introduced by Estrada
SB 331, introduced by Thomas
SB 332, introduced by Miller
SB 335, introduced by Jenkins
SB 341, introduced by Stang
SB 344, introduced by Harp
SB 360, introduced by Crippen
SB 368, introduced by Lynch
SB 369, introduced by Swysgood

SB 211, introduced by Devlin, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/24/97 to the House with the following vote:

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YEAS - 44
NAYS - 6

Senate joint resolutions passed and transmitted to the House for concurrence:

2/24/97

SJR 8, introduced by Estrada

SJR 10, introduced by Beck

MESSAGES FROM THE GOVERNOR

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 24 sponsored by Representative Hagener on February 24, 1997.

Sincerely,

MARC RACICOT

Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 32 sponsored by Representative Peck on February 24, 1997.

Sincerely,

MARC RACICOT

Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 36 sponsored by Representative Ewer on February 24, 1997.

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Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 59 sponsored by Representative R. Johnson et al. on February 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 81 sponsored by Representative Devaney on February 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 87 sponsored by Representative M. Hanson on February 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer

February 24, 1997

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Speaker of the House
State Capitol
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 88 sponsored by Representative M. Hanson on February 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 96 sponsored by Representative R. Johnson on February 24, 1997.

Sincerely,

MARC RACICOT
Governor

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

February 24, 1997

Dear Representative Mercer:

Please be informed that I have signed House Bill 132 sponsored by Representative Knox et al. on February 24, 1997.

Sincerely,

MARC RACICOT
Governor

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.

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House recessed at 11:34 p.m.

House reconvened at 1:00 p.m. Mr. Speaker in the Chair.

Roll Call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Sergeant-at-Arms Skelton escorted Loyola Sacred Heart High School speech and debate team into the House Chambers.

Mr. Speaker and Representative Denny welcomed Coach Matt Stergios who thanked the House for inviting his team today. John Hammen, member of the team, gave an impromptu thank you speech.

Sergeant-at-Arms escorted the distinguished guests from the House Chambers.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Wednesday, February 26, 1997. Motion carried.

House adjourned at 1:18 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

